

-Info-Public Service Commission

From: Schock, Victor F.
Sent: Thursday, July 16, 2020 8:43 AM
To: -Info-Public Service Commission
Subject: FW: Case Number PU-20-202

Importance: High

Please file as additional response in the above captioned case.

Thanks,

Victor Schock

From: Mitchell S. Sanderson <Mitchs@invisimax.com>
Sent: Tuesday, May 19, 2020 1:56 PM
To: Schock, Victor F. <vschock@nd.gov>
Subject: RE: Case Number PU-20-202
Importance: High

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Mr. Schock,

I would like to know the **date** of the ticket number (Confirmation #20033851). Please forward this ticket to me with dates of the call in and date of his confirmation that he could dig. They may or may not be factual statements by him. I will then provide the timed and dated pictures for evidence if he is not being honest with you. I am just making sure that all follow the 811 call in laws so we do not have any lose of life or property by those who think they can do whatever they like.

He was digging and quit when he must of saw me taking pictures and did not continue until days after the paint markings were done. I did see Polar Communication vans at his home a few days after he had already dug **TWO** fence post holes! The one he neglected to inform you about is right next to my garage where Electrical lines are buried under ground for my property. His hole is about 1.5 feet from the underground power lines to my property! I have pictures of this digging as well timed and dated.

I remind you that **ALL** digging needs a **NEW** call in to 811 according to NDCC no matter what his last calls may have found.

If he does not have to follow the state laws that **ALL** diggings need a **NEW** call and markings then I can use the same logic and never need to call 811 from here on out due to I have also called in the past and had my property marked, but that is not what state law states.

Thanks, and let me know what your decision is,

Mr. Mitchell S. Sanderson

From: Schock, Victor F. <vschock@nd.gov>
Sent: Tuesday, May 19, 2020 12:54 PM

To: Mitchell S. Sanderson <Mitchs@invisimax.com>

Subject: RE: Case Number PU-20-202

Hello Mr. Sanderson,

Please see attached response we received yesterday from Mr. Dvorak.
Please let me know if you have any follow up for me to his response.

Thanks,

Victor Schock

From: Schock, Victor F.

Sent: Friday, May 15, 2020 4:25 PM

To: 'Mitchell S. Sanderson' <Mitchs@invisimax.com>

Subject: RE: Case Number PU-20-202

Hello Mr. Sanderson,

Yes. Part of our standard process allows for the original complainant to respond to any claims made by the respondent. When I receive a response from Mr. Dvorak, I will pass it along to you for any additional response or comments you may have.

Thanks,

Victor Schock

From: Mitchell S. Sanderson <Mitchs@invisimax.com>

Sent: Friday, May 15, 2020 4:11 PM

To: Schock, Victor F. <vschock@nd.gov>

Subject: RE: Case Number PU-20-202

Importance: High

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Mr. Schock,

Would you please send me Damian Dvorak's response so I may rebut it?

I would like to know if he can support a ticket to support he called 811 before he started to dig and proof that he was approved to dig before he actually did dig.

I have timed and dated photos when he started to dig when there were no flags or paint markings. He seems to think he can do what he wants and not follow any laws!

Thanks,

Mr. Mitchell S. Sanderson

From: Schock, Victor F. <vschock@nd.gov>
Sent: Tuesday, May 12, 2020 5:02 PM
To: Mitchell S. Sanderson <Mitchs@invisimax.com>
Subject: RE: Case Number PU-20-202

Hello Mr. Sanderson,

Thank you for the follow-up information on this case.

The removal of Polar Communication's box is something the Commission does not have jurisdiction of. I would suggest you contact Polar to let them know, it would become an issue between Polar and Mr. Dvorak.

Everything else is relevant and your law references are correct.

Thanks,

Victor Schock

From: Mitchell S. Sanderson <Mitchs@invisimax.com>
Sent: Tuesday, May 12, 2020 3:56 PM
To: Schock, Victor F. <vschock@nd.gov>
Subject: Case Number PU-20-202
Importance: High

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Mr. Schock,

I received your letter on this case number and would like to mention a few more details.

Mr. Damian Dvorak did tear out the Polar Communication box in the back yard with his tractor. I can support video of this that I took when he did it if you need – I believe I still have it on my PC. I am not sure that it was being used by anyone because we only use Verizon and Dish Network. However, **NDCC 49-23-04.6.L** clearly states a person cannot presume an underground facility is abandoned. I would assume he should have had to get a letter from Polar Communications in Park River ND that is dated if he tore out their utility box. If I were to hook up Polar internet, phone or cable I have no idea if it would work now.

NDCC 49-23-01.7 also states that an excavator is any operation in which earth in or below the ground is moved by **hand** or power tools. Damian was digging with a shovel and a fence post digger. I have more pictures if needed but this is pretty straight forward with no markings or flags when he started digging. At the time there were **NO** markings or flags, but I do see there are some now after the fact. He had to have had to seen me taking pictures and stopped because he has not done any more digging. He just stopped and did not finish which in my view he knew he was digging without the proper approval!

I would like the dated excavation notice and approval that Damian was to get **before** digging and the land was marked with paint and flags before he was to start digging as stated in **NDCC 49-23-04**.

Thank you for your time,

Mr. Mitchell S. Sanderson

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