



Public Service Commission

State of North Dakota

COMMISSIONERS

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600 East Boulevard, Dept. 408
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TDD: 800-366-6888 or 711

August 13, 2020

Jared Wolf
Northwest Excavating, LLC
2702 20th Ave S
Moorhead, MN 56560-5925

Re: ND One-Call Excavation Notice System: North Dakota Century Code Chapter 49-23

Dear Jared:

Enclosed is a copy of a ND One-Call Complaint, against Northwest Excavating, LLC, received by the North Dakota Public Service Commission on August 12, 2020, from Matt Ihland at Red River Communications, of Abercrombie, ND, Case Number PU-20-363. The location of the damage identified in the complaint is approximately 9455 West Ridge Road, Hankinson, ND.

I am sending you this information so that you are aware of the complaint and may respond with information concerning the complaint. **Please respond to Executive Secretary, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by August 27, 2020**, with your written account of the event, including the applicable One Call locate ticket number for work performed at the address indicated.

Your response and the ND One-Call Complaint will be reviewed to determine whether there may be a violation of the One-Call Excavation Notice System law.

If I do not receive a response by the date noted, I will determine whether there was a violation, without your side of the story, based on the facts contained in this complaint. If I conclude a violation did occur I will file a formal complaint against Northwest Contracting, LLC with the Commission, which may result in a penalty up to \$25,000 per violation as approved by the North Dakota Legislative Assembly in 2013 under North Dakota Century Code Section 49-07-01.1.

Please contact me at 701-328-3397 or at vschock@nd.gov with any questions regarding this correspondence.

Sincerely,

Victor Schock
Public Utilities Division
North Dakota Public Service Commission
600 E Boulevard Ave, Dept 408
Bismarck, ND 58505-0480

Enc: ND One-Call Complaint
c: Matt Ihland

2 PU-20-363 Filed: 8/13/2020 Pages: 3
Letter enclosing North Dakota One-Call Complaint

Public Service Commission
Victor Schock



ND ONE-CALL COMPLAINT

Public Service Commission

SFN 59067 (5-17)

To allege a violation of the One-Call Excavation Notice System Law: North Dakota Century Code Chapter 49-23

PART A – WHO IS SUBMITTING THIS COMPLAINT (COMPLAINANT)

Company/Person Red River Communications - Matt Ihland	Street Address 510 Broadway	City Abercrombie	State and Zip Code ND 58001
Telephone and Cell Phone Number 701-553-8309	Email Address mattiiland@redrivercomm.com		Date August 12, 2020
<input checked="" type="checkbox"/> Complainant is willing and able to testify on the complaint if matter goes to formal hearing			

PART B – WHO VIOLATED THE ONE-CALL REGULATIONS (RESPONDENT)

Company/Person Northwest Excavating - Jared Wolf	Street Address 2707 20th Ave. S.	City Moorhead	State and Zip Code MN 56560-5930
Telephone and Cell Phone Number 218-512-3020	Email Address		

PART C – ALLEGED VIOLATION

<input type="checkbox"/> Operator failed to provide or update the information provided to the notification center on a timely basis <input type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation <input type="checkbox"/> Excavator failed to provide required information in excavation or location notice <input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation <input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area <input type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours <input type="checkbox"/> Excavation started prior to underground facility locate <input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally <input checked="" type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period <input checked="" type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities <input type="checkbox"/> Excavator failed to maintain the markings during excavation <input type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____
Location of Violation: 9455 West Ridge Road, Hankinson, ND 58041
Date and Time of Violation: July 2, 2020, 9:22AM
Description (summarize the observations on which you rely to allege the violation) <i>If more space is required, please provide the description on a separate page.</i> See incident report

PART D – DAMAGE

Fatalities 0	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: 72 count fiber optic cable which disrupted voice, video and internet to customers		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$7,500	Number of Customers Affected 6	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint 	Date August 12, 2020
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Submit

If the "Submit" function is not working properly, please print the completed form and then either **email to ndpsc@nd.gov**, **fax to 701-328-2410** or **send to Public Service Commission, 600 E Boulevard Ave Dept 408, Bismarck ND 58505-0480**.

Telephone: (701) 328-2400

Fiber Cut at 9455 W Ridge Road Hankinson, ND

On Thursday, July 2nd at 9:22 a.m. we had an alarm indicating 6 ONT's had went missing on our Hankinson E7. Shortly after, Jared Wolf from Northwest Excavating called Deb Syverstesn to inform her that he had cut a cable installing water line near Lake Elsie, for Heidi Heitkamp's new home. Deb asked if the cable was marked and he replied yes it was. Dennis sent Ryan Wallock over to check out damages, he discovered a 72 fiber in duct that had been hit and pulled out of the peds. We called SI Contracting to request help in splicing. Paul was in Brainerd and headed back to the job site. Dennis sent me to Neilco to pick up tilt deck trailer and mini excavator and went to job site. Dennis loaded fiber and duct and met me there. Ryan Wallock and Aaron Cook were at the job site when I arrived. Tyler and Charlie arrived around 2:00 after repairing other overnight outages. I asked Jared, who was running the excavator, how do you cut a cable when there is a flag and paint less than a foot away? His response was "it isn't the first time and won't be the last" and "you can't tell me you've never cut anything". I asked him for a locate ticket # as we only had 2 recent tickets for that site, neither was called into NDOC from Northwest Excavating, I showed him the 2 tickets that we had on file and a copy of the NDOC handbook stating that the excavator is required, by ND Statute, to call in the locate to NDOC. Jared stated they had called in a ticket and he called back to the office to obtain it, he gave me ticket # 20043180. I had Lisa check on that ticket # and she emailed the ticket back to me, it had expired 6/9/2020 and was for installation of foundation, not water line installation. Ryan left the job site around 2:30, I left the job site at 2:45 to return excavator and trailer to Neilco, Dennis left at 3:30, Tyler, Aaron and Charles left at 6:00 p.m. Tyler had called me at 5:45 to let me know that all services are restored. We will need to repair permanently as we only had time to restore temporarily being short staffed with other outages caused by lightning overnight.

Matt Ihland