



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Brian Kroshus  
Julie Fedorchak  
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600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
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Phone: 701-328-2400  
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Fax: 701-328-2410  
TDD: 800-366-6888 or 711

September 10, 2020

Andrew Schriener  
CenturyLink  
200 South 5th Street  
Minneapolis, MN 55402

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

Dear Andrew:

Enclosed is a copy of a ND One-Call Complaint, against Centurylink Communications, received by the North Dakota Public Service Commission on August 31, 2020, from Mel Javner at Gudajtes Farms, of Minto, ND, Case Number PU-20-386. The location of the incident identified in the complaint is approximately Township 156N, Range 52W, N1/2 of Section 36 and E1/2 of Section 25, near Minto, 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 September 24, 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 Centurylink Communications 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](mailto: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: Mel Javner

2 PU-20-386 Filed: 9/10/2020 Pages: 2  
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<br>Gudajles Farms-Mel Javner  | Street Address<br>15363 CCounty Road 15          | City<br>Minto | State and Zip Code<br>ND 58261 |
| Telephone and Cell Phone Number<br>701-248-4040 218-289-2887   | Email Address<br>m.javner@gudajlesfamilyfarm.com |               | Date<br>08/31/2020             |
| <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<br>Centurylink                     | Street Address | City | State and Zip Code |
| Telephone and Cell Phone Number<br>1-800-283-4237 | Email Address  |      |                    |

## PART C – ALLEGED VIOLATION

|   |
|---|
| <input checked="" type="checkbox"/> Operator failed to provide or update the information provided to the notification center on a timely basis<br><input type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation<br><input type="checkbox"/> Excavator failed to provide required information in excavation or location notice<br><input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation<br><input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area<br><input checked="" type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours<br><input type="checkbox"/> Excavation started prior to underground facility locate<br><input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally<br><input type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period<br><input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities<br><input type="checkbox"/> Excavator failed to maintain the markings during excavation<br><input type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____ |
| Location of Violation:<br>SE 1/4 25-156-52 and NE 1/4 of 5-156-53   |
| Date and Time of Violation:<br>1st 8/15/20 and 2nd 8/27/20  |
| 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><br><br>On the first Ticket#20109587, Centurylink failed to mark the spot or contact the excavator at all within the timeframe. The ticket was submitted on 8/12/20 and was not marked until 8/18/20.<br>On the 2nd ticket#20118001, Centurylink again failed to mark the spot or contact the excavator within the timeframe required. The ticket was submitted on 8/24/20 and as of 8/31/20 at 9:15 AM was still not marked.  |

## PART D – DAMAGE

|  |          |                              |
|--|----------|------------------------------|
| Fatalities   | Injuries | In-patient Hospitalization   |
| Underground facility type(s) and Operator(s) affected:                     |          |                              |
| Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ |          | Number of Customers Affected |
| Other Impact of event:   |          |                              |
| Please attach photos of Event Area or Damaged Facility                     |          |                              |

## PART I – SIGNATURE

|   |                   |
|---|-------------------|
| Signature of Person Filing Complaint<br><i>Mel Javner</i> | Date<br>8/31/2020 |
|---|-------------------|

**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