

**CenturyLink**  
200 South 5<sup>th</sup> Street, Room 2100  
Minneapolis, MN 55402  
612 663-6930  
612 663-4158 fax

**Andrew Schriener**  
State Legislative Affairs Director



September 22, 2020

Mr. Steven Kahl  
Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard Avenue, 12<sup>th</sup> Floor  
Bismarck, ND 58505-0480

**Re: Damage Complaint against CenturyLink**  
**Case No. PU-20-386**

Dear Mr. Kahl:

I am writing to respond to the One-Call Complaint against CenturyLink filed by Mel Javner of Gudajtes Farms. CenturyLink and its One-Call contractor, Summit Locating, deny Mr. Javner's allegations of a One-Call violation and believe this complaint was filed due to a previous dispute involving the parties and not due to One-Call violations.

### **History**

In 2018, a damage claim was submitted by CenturyLink against Gudajtes Farms (Claim 7198871) for damage caused to CenturyLink facilities in the amount of \$10,318.92.

### **Ticket 20109587**

Gudajtes Farms requested a locate for an entire quarter section of land. The sheer size of the request (well over a mile of plant) and an expectation that a thorough and accurate locate could occur within two days is simply unreasonable. Typically, in a situation where a large area would need to be marked for a locate, the landowner would prioritize the areas to be marked and submit multiple tickets. That did not occur in this instance. The Summit technician that located this ticket began the job prior to the due date. When on site, he did not observe any white flags defining the work area or any equipment present at the work site and made the assumption that the contractor would not be on site anytime soon. Due to the size of the job, the work was performed over the next few days stretching beyond the due date and tying up Summit resources for days.

### **Ticket 20118001**

This ticket was completed on August 26th prior to the due date of August 27th. Again, the Summit technician on site did not observe white flags defining the work area, nor was there equipment in the area indicating work was to be performed. The record below is from One Call Concepts and indicates that Summit contacted the excavator and notified it that locate work was completed. In the course of that conversation, the excavator made reference to CenturyLink reporting them to the PUC for damaging its facilities in 2018 and they were fined more than \$10,000. The excavator told Summit personnel that the only reason they filed this complaint was because of the fine they received in 2018.

- 20118001
  - 8/26/2020 2:27:04 PM: Responded Marked Local Complete: added by contract locator ND-SUMMIT, located by BCHRISTIANSON. Locate Time: 8/26/2020 1:23:46 PM
    - 8/26/2020 2:29:05 PM: Positive Response to Excavator Delivered SETAILS: Positive Response to Excavator successfully sent to [m.javner@gudajtesfamilyfarm.com](mailto:m.javner@gudajtesfamilyfarm.com)

In addition, it has come to CenturyLink's attention that a technical error occurred on the One Call Concepts side of the notification system related to the accuracy of the electronic record in the system. CenturyLink is continuing to work with the One Call Concepts IT team to determine the root cause in its system that failed to accept the notification of work being complete. Regardless of this technical error in the system, Gudajtes Farms was notified by Summit in a timely manner of the work being complete.

### **Conclusion**

Gudajtes Farms submitted two tickets alleging violations of North Dakota's One-Call system. CenturyLink urges the Commission to take into consideration the following:

1. The size and scope of the work requested in Ticket 20109587 required multiple days to complete. Gudajtes Farms should have reduced the size of this request by submitting multiple tickets over a reasonable period of time. The One Call system operates best when excavators and underground facility operators work cooperatively. In this instance, submitting a request for a section of land to be marked within 48 hours is not a reasonable request. Assessing a fine in a situation like this will serve to encourage more of this behavior.
2. In both tickets, Gudajtes Farms failed to provide white flag markings that identified the area to be marked.
3. Since no equipment was visible at either locate and both locates failed to have white flags at the time of the marking by Summit, there does not appear to be evidence that Gudajtes Farms suffered a delay in performing its work.

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4. Communications between CenturyLink's contractor and Gudajtes Farms indicate that motivation for the complaint was dubious.

Thank you for the opportunity to respond. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Schriner". The signature is fluid and cursive, with a small dot at the end of the last stroke.

Andrew Schriner  
State Legislative Affairs Director

AS/bardm

cc: Victor Schock (via email)  
Mel Javner (via email)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of September, 2020, the foregoing response letter was served upon the following party:

Mr. Steven Kahl  
Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard Avenue, 12<sup>th</sup> Floor  
Bismarck, ND 58505-0480

and copies sent electronically, addressed to the following:

Andrew Schriener  
State Legislative Affairs Director  
CenturyLink  
200 South 5<sup>th</sup> Street  
Minneapolis, MN 55402

Victor Schock  
Public Utilities Division  
North Dakota Public Service Commission  
600 East Boulevard Avenue, 12<sup>th</sup> Floor  
Bismarck, ND 58505-0480  
[vschock@nd.gov](mailto:vschock@nd.gov)

Mel Javner  
Gudajtes Farms  
15363 County Road 15  
Minto, ND 58261  
[m.javner@gudajtesfamilyfarm.com](mailto:m.javner@gudajtesfamilyfarm.com)

  
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Dianne Barthel