



# 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 Griggs County Telephone Co d/b/a MLGC	Street Address 301 Dewey Street	City Enderlin	State and Zip Code ND, 58027
Telephone and Cell Phone Number 70-718-3333	Email Address tyler.kilde@mlgc.net		Date 5.19.2021
<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 KPH, Inc	Street Address 9530 39th Street S	City Fargo	State and Zip Code ND, 58104
Telephone and Cell Phone Number 701-499-7979		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 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 checked="" 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: Hwy 81 and Main Ave, Hickson, ND
Date and Time of Violation: First - September 11, 2020 @ around 3pm. The second damage was noticed on September 14, 2020 @ 1.39
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>  KPH recklessly damaged our facilities not only once, but twice following a temporary repair on September 11, 2020. Fiber was marked. Since the time of the incident, Griggs was promised multiple times that our damages would be paid. As of today, the invoice has not been paid.

## PART D – DAMAGE

Fatalities	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected: 2 1 1/2 ducts and a 432 fiber.		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$30,387.84		Number of Customers Affected Unknown
Other impact of event: Traffic on this fiber included: Griggs County Telephone Co transport, Polar transport, Red River Tel transport, DCN south ring, Connection to SDN (South Dakota), State Radio, Verizon, AT&T, and T-Mobile		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint Tyler H. Kilde	Date 5.19.2021
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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](mailto: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



**GRIGGS COUNTY TELEPHONE**  
 PO BOX 66  
 ENDERLIN, ND 58027-0066

**INVOICE: 105**

Invoice Date: 10/31/2020  
 Terms: NET 30  
 Due Date: 11/30/2020  
 Amount Due: \$ 30,387.84

KPH, INC  
 9530 39TH ST S  
 FARGO ND 58104

Account: 95  
 Description: FIBER OPTIC REPAIR OF MLGC FIBER OPTICS NEAR OXBOW ND  
 Page 1 of 1

DESCRIPTION	QUANTITY	UOM	UNIT PRICE	AMOUNT	TAX
RIBBON FIBER 432 GEL FREE	1,000.000	FT	2.1400	2,140.00	✓
DUCT 1.5"	1,000.000	FT	0.3767	376.70	✓
1.5 COUPLER PUSHLOK ORG	8.000	EA	9.2262	73.81	✓
LABOR	14.000	HR	80.0000	1,120.00	
(ABOVE MATERIAL & LABOR PROVIDED BY MLGC)					
CONTRACTED LABOR	1.000	NRC	26,547.8000	26,547.80	
(SEE ATTACHED INVOICE & DETAIL OF REPAIR FROM ERNST TRENCHING)					
ND STATE SALES TAX			129.53		

MESSAGES	
	Subtotal: \$ 30,258.31
	Tax: \$ 129.53
	Total: \$ 30,387.84
	Amount Paid: \$ 0.00
	Amount Due: \$ 30,387.84

PLEASE REMIT PAYMENT TO MLGC, PO BOX 66, ENDERLIN ND, 58027



**GRIGGS COUNTY TELEPHONE**  
 PO BOX 66  
 ENDERLIN, ND 58027-0066

Account:	95
Invoice:	105
Due Date:	11/30/2020
Amount Due:	\$ 30,387.84
Amount Of Payment:	_____

KPH, INC  
 9530 39TH ST S  
 FARGO ND 58104

WO 20200901

**ERNST TRENCHING INC.**

PO BOX 9543  
 FARGO, ND 58106-9543  
 www.ernsttrenching.com  
 (701) 282-5954

**INVOICE**

13919

INVOICE DATE

10-19-2020

SHIP TO

Damage Repair/Oxbow ND

TO

Griggs County Telephone Compny  
 ATTN: Tyler  
 301 Dewey Street  
 Enderlin, ND 58027

ACCT #	SHIP DATE	SHIPPED VIA	TERMS	PURCHASE ORDER #	
GRICOU					
QTY	DESCRIPTION			UNIT PRICE	AMOUNT
892.00	feet	Pull Cable (432 count)		1.40	1,248.80
3.00	hours	Cat Premier Vacuum Excavator		380.00	1,140.00
6.00	hours	Case 380N Backhoe		190.00	1,140.00
13.00	hours	Supervisor		69.00	897.00
24.00	hours	Labor		57.00	1,368.00
892.00	feet	Remove Damaged Cable		.50	446.00
72.00		HO 12		274.00	19,728.00
2.00		HBFO		260.00	520.00
60.00		BM 3		1.00	60.00
<p>**Make repairs to damaged 432 count cable in Oxbow ND: Used Cat Premier Vacuum system and backhoe to expose damaged duct. Repair spare empty duct to pull in new 432 count cable. Dig up and remove existing vault North of Oxbow Drive. Dig up conduit running under existing vault location. Cut into duct to be able to pull tail out at time of cut over. Dig pit South of Oxbow Drive to be able to cut off existing duct at time of cut over. Pull in new 432 count cable into spare duct. Splicers arrive and set up prepping cables for cut over at midnight. Splice cut off cable and splice to new cable starting at midnight and work until complete. Replace removed vault, backfill around vault and backfill pit and restore. Pull out old cable. Return material to MLGC in Kindred.</p>					
				Amount Billed	\$26,547.80
				Total Tax	
				Retainage Held	
				<b>TOTAL</b>	\$26,547.80

**Thank You**











STOP











M096C-11408-27E  
Hancock

7-22-20