



Public Service Commission
State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian Kroshus

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

May 27, 2021

KPH, Inc.
Eric Merhiy
9530 39th Street South
Fargo, ND 58104

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

Dear Mr. Merhiy:

Enclosed is a copy of a ND One-Call Complaint, against KPH, Inc. received by the North Dakota Public Service Commission on May 20, 2021, from Tyler Kilde at Griggs County Telephone Co. (d/b/a MLGC), of Enderlin, ND, Case Number PU-21-177. The location of the damage identified in the complaint is approximately at the intersection of Highway 81 and Main Avenue, Hickson, 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 Director, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by June 10, 2021**, with your written account of the event, including the applicable One-Call locate ticket number for work performed at the location 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 KPH, Inc. 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 701-328-4153 or at arenfandt@nd.gov with any questions regarding this correspondence.

Sincerely,

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

Enc: ND One-Call Complaint
c: Tyler Kilde

2 PU-21-177 Filed 05/27/2021 Pages: 14
Letter enclosing North Dakota One-Call Complaint
Public Service Commission
Adam Renfandt



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, **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

ERNST TRENCHING INC.

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

WO 20200901

INVOICE

13919

INVOICE DATE

10-19-2020

TO

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

SHIP TO

Damage Repair/Oxbow ND

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	
				TOTAL	\$26,547.80

Thank You



















