



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 West River Telecom/James Byerley	Street Address 101 Main St W	City Hazen	State and Zip Code ND 58545
Telephone and Cell Phone Number 701-748-4217 701-880-8565	Email Address jamesb@wrtc.com	Date 7-8-21	
<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 Tand Construction/Angelo Santavito	Street Address 1916 40th Ave SE	City Mandan	State and Zip Code ND 58554
Telephone and Cell Phone Number 701-663-8600 702-351-6835	Email Address asantovito@tandinc.com		

PART C – ALLEGED VIOLATION

Operator failed to provide or update the information provided to the notification center on a timely basis

Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation

Excavator failed to provide required information in excavation or location notice

Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation

Notification center failed to inform the excavator of the names of operators of underground facilities in the area

Operator failed to locate and mark underground facility within 48 hours

Excavation started prior to underground facility locate

Operator failed to mark underground facility within 24 inches horizontally

Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period

Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities

Excavator failed to maintain the markings during excavation

Other (identify the specific section of NDCC Chapter 49-23) _____

Location of Violation:
multiple locations in the city limits of Stanton

Date and Time of Violation:
11/14/20, 11/17/20, 11/19/20, 11/12/20, 11/13/20, 11/16/20

Description (summarize the observations on which you rely to allege the violation) *If more space is required, please provide the description on a separate page.*
Tand Construction was working on a sewer project for the city of Stanton. They damaged the WRT fiber facilities and in some cases the same cable in the same location. At no time did they indicate the facilities were mark incorrectly but did indicate that the soil conditions caused the damage. I have spoke to Angelo Santavito and he indicated that they would not pay for the damages because it was the City of Stanton fault because the City of Stanton did not tell them about the soil conditions.

PART D – DAMAGE

Fatalities Communicatoins	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: Fiber Cables & interduct West River Telecom		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$11,129.67	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 7/9/21
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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