



Public Service Commission

State of North Dakota

COMMISSIONERS

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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

July 12, 2021

Angelo Santavito
Tand Construction, LLC
1916 40th Ave SE
Mandan, ND 58554-4632

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

Dear Angelo:

Enclosed is a copy of a ND One-Call Complaint, against Tand Construction, LLC, received by the North Dakota Public Service Commission on July 9, 2021, from James Byerley at West River Telecom, of Hazen, ND, Case Number PU-21-319. The location of the damages identified in the complaint is in the city of Stanton, 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 July 26, 2021**, 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 Tand Construction, LLC 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 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: James Byerley

2 **PU-21-319** Filed: 7/12/2021 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 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 702-351-8835	Email Address asantovito@tandinc.com		

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 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: multiple locations in the city limits of Stanton
Date and Time of Violation: 11/4/20, 11/7/20, 11/9/20, 11/12/20, 11/13/20, 11/16/20
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> 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

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North Dakota One-Call Complaint
West River Telecommunications Cooperative
James Byerley