



July 22, 2021

Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

RE: Response to ND One-Call Complaint by West River Telecom/James Byerley

Dear Executive Secretary,

Tand Construction, LLC, is in receipt of Mr. Victor Schock's letter dated July 12, 2021, regarding ND One-Call's Complaint.

In said Complaint, Mr. Byerley alleges that Tand Construction, LLC, failed to conduct the excavation in the City of Stanton in a careful and prudent manner to avoid damage of underground facilities. The damages to the WRT lines resulted from trench cave-ins due to the condition of soils within the excavation site. Tand Construction, LLC, performed all excavations in accordance with OSHA Standards and guidelines. Excavations were conducted within a trench box; however, once the trench box was moved, the banks would cave in. The WRT lines were not damaged as a result of excavation negligence, but because of the bank cave-ins that could not be prevented, as can be attested to by the WRT crews that responded to make the repairs. This was an unforeseen problem by everyone connected with the project.


Interstate Engineering called for a fifteen-foot-wide trench. Unfortunately, due to the cave-in issues cited above, most of the trench became curb/gutter to curb/gutter by the time the project was completed. Tand Construction, LLC, had to request permission from the Engineer/City of Stanton to remove all the asphalt within the roadway in an attempt to keep further damage from occurring to the new installations as well as existing utilities. Photographs attached clearly show the issues detailed hereinabove. In addition, Tand Construction, LLC, is more than willing to provide copies of emails between Tand Construction, LLC, and the Engineer and the names and contact information for the Engineer, Inspector and officials of the City of Stanton that witnessed these problems and we re involved in the resolutions.

Finally, all of this was explained to Mr. Byerley prior to the filing of his ND One-Call Complaint. For some unknown reason, Mr. Byerley has launched a personal vendetta against Tand Construction, LLC, by filing a frivolous Complaint with this Commission as well as contacting the City of Center with slanderous comment against Tand Construction, LLC. Tand Construction, LLC, finds this behavior very unprofessional.

Should you have any questions, would like to discuss this matter further or would like the contact information of others involved, please feel free to contact me.

Sincerely,

TAND CONSTRUCTION, LLC



LORI SPINA HOHERZ
Managing Member

Enclosures: Photographs

