

## Hamre, John G.

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**From:** Schock, Victor F.  
**Sent:** Friday, September 3, 2021 11:03 AM  
**To:** -Info-Public Service Commission  
**Subject:** FW: Otter Tail Power complaint against JP Hager Enterprises case PU-21-338

Please file as response in above captioned case.

Thanks,

Victor Schock

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**From:** Jason Hager <jphager85@gmail.com>  
**Sent:** Thursday, September 2, 2021 3:57 PM  
**To:** Schock, Victor F. <vschock@nd.gov>  
**Subject:** Re: Otter Tail Power complaint against JP Hager Enterprises case PU-21-338

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Victor,  
I apologize for my late response.

To address these complaints from Dave Voeller/ OtterTail power, I will say this:

I did not call in locates for the locations at 109 Brewster and 909 Lincoln Ave. I also did not create damage of underground facilities at these locations or the other two as stated in Dave's complaint.

At 109 Brewster , Carolyn Fieckert, the property has a 5' tall retaining wall to the south side of property and a large thicket of trees.

With this being said, I visually located the power line and mid continent line that comes in over head across the property from the south and attaches to house into meter/Box. The NDTC line is mounted on the west side of house thru existing concrete side walk to the street to the north side of property to a buried vault with a very prominent scar(improper backfill, causing a deflection in soil).

I had the local propane company locate the propane line where this excavation was taking place, we had dug out the line and put a pvc sleeve over it in case it were to be replace in future. I removed and existing 12" concrete slab from this location which had another 3" of sand over top of another 4" patio under this entire garage slab. I then had to replace with gravel fill to make up the 19" of concrete/sand to get new pad up to height for a 5" garage slab.

Dave's comments and pictures about the stakes are also untrue and he can not comprehend that just because a wood stake a certain length when you purchase them that, that length is pounded into ground. I buy 18-24" wood stakes because that is what is sold here locally. Dave does not account for the height of forms which are 5 1/2 inches or the fact that the stakes get 6-8" cut off of them after they are pounded in.

If you look at the photos that Dave graciously provided you will see new full length stakes. You will see a stake pounded next to the forms. You will also see that the top of the stake is in perfect new condition with out any splits cracks or indents from being pounded with a sledge hammer almost as if it was cut off with a saw to height of form.

Also in picture laying next to a cut off piece of 2x6 is the top half the stake laying on the ground.

In the other photo of just dirt which is the south part of garage you will see the retaining wall next fence on left side of picture. Part of the old existing sidewalk that was buried 15" below. You also see a broken wire. That wire was from

an abandoned line that ran from the house and come up thru the clothes line that was there. That wire was for a small light mounted to clothesline.

Property at 909 Lincoln for Jon Franklin

I had to pour a 13x13' patio with a 4x12' sidewalk. This patio/sidewalk is located under an existing overhead deck that sits about 10' into the air. Existing dirt elevation was 4-5" below walk in doors. I had to hand dig out 3-4" of black dirt, fill back 4" of gravel and put new concrete level with bottom of walk doors. I used 2x4 forms with 6" stakes as not penetrate deep into soil.

I did not call in Locate for this project. The previous fall My brother (Hager Excavating) and I had locates called in in order to demo the adjacent building attached to current one. I knew of where utilities were at from previous work we performed.

NDTC was trenched in 3' underground from back alley. I confirmed this depth with Brad from NDTC that same morning at gas station before I hand dug patio.

Otter tail was overhead, I had to deal with Dave the day he disconnected the power to this building, so I could install new siding on building then Dave reattached power lines.

I then had to help the local electrician install the new service conduit to wall and into panel.

800 birch ave , Nick Hertz, Hertz Funeral Homes.

I had a locate called in.

I left 2 employees on site to set a 9x16" pad for a propane tank. Before I left I instructed them not to pound a stake at corner of building cause this is where power is running thru.

When we came back later it was noticed that they had pounded a stake in that very spot.

Dave pulled me aside, stated he was upset about that stake. and said he wanted to have a learning moment with the guys, so we dug it up together to inspect the wires. It is true that the stake came within 1-2" of the wire. It did not come in contact with the wire, it did not damage the wire in any way. Everyone was surprised by how close that is was.

For Dave to bring this up over a year later I feel is uncalled for especially after the steps taken afterwards to inspect and take accountability.

209 9th st E Theresa Graumann.

No locate was called. I was instructed to remove existing concrete for these apartments and replace it back exactly how it was. No dirt work was to be done to keep costs as low as possible.

Dave seen us tearing out concrete stopped yelled about not having a locate, located his wires and had make the side walk smaller on east side to stay away from his power lines.

No Damage to underground facilities occurred at any of these locations.

I did not call in locates at these locations for the simple facts of:

Being a traveling contractor and sometimes projects get postponed or cancelled out on road and I try to find filler jobs to keep my crew busy so they won't quit for not getting their hours.

I was under the impression that as long as we didn't dig deeper then 12" we didn't need a locate. I just always went with that because that's what was always said by the older guys/contractors that I learned from in the past.

I try to use my due diligence to make sure I wouldn't damage and utilities. I have great working relations with the other local utilities companies, talking to them weekly during & after working hours. Usually you can see the scars in the lawns/dirt from where these companies install utilities and don't grade their backfill. It's also a sleepy town where not much new work happens and you are at these places repeatedly over the years and have a memory of past locations.

We are not out here just digging away with reckless abandon, no matter what Dave wants to believes and how unprofessional he thinks contractors are.

Most people in this community cringe at having to deal with Dave. His know- it-all attitude, demeaning lectures about how to perform everyone else's jobs are unjust and unwarranted.

These complaints are being filed 1year to 30 days after the jobs are complete with no damage to structure or underground facilities. Harassment and defamation is what I will call it.

That's what I have to say as for these complaints.

Have a great day, Victor. I will patiently wait for your decision on this matter.

Jason Hager

JP HAGER ENTERPRISES  
521 6th St E  
Harvey, ND 58341  
701-341-1665.

On Aug 26, 2021, at 3:05 PM, Schock, Victor F. <[vschock@nd.gov](mailto:vschock@nd.gov)> wrote:

Jason,

Please see attached complaint that was received against JP Hager Enterprises.  
If I do not hear back from you by September 1, I will be forced to complete my investigation with only the information I have received from Otter Tail which is attached.

**Thanks,**

**Victor Schock**  
Public Utility Analyst  
North Dakota Public Service Commission  
600 E Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480  
**(701)328-3397**  
[vschock@nd.gov](mailto:vschock@nd.gov)

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<PU-21-338.pdf>