



# 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 702 Communications/Mike Day	Street Address 2911 Fiechtner Dr	City Fargo	State and Zip Code ND 58103
Telephone and Cell Phone Number 218-284-5733	Email Address mday@702com.com		Date 11-23-2021
<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 McGlaughlin Construction/Jon McGlaughlin	Street Address 1606 Maple Place	City West Fargo	State and Zip Code ND 58078
Telephone and Cell Phone Number 701-261-7543	Email Address jmclaughlin1013@gmail.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 checked="" type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period <input 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: 2000 21st Ave S, West Fargo, ND
Date and Time of Violation: 11-23-2021 approximately 11:00am
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> Contractor was doing drilling without having a current or updated ticket. His only ticket he call in was 21141576 which had expired 11/10./2021. The day the contractor was drilling and hit our facilities was on 11/23/2021. The ticket at this point was 13 days past due.

## PART D – DAMAGE

Fatalities 702 Communications 24 strand fiber optic cable	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected: The damage was done to a 1 1/4" duct which contained a 24 strand fiber optic cable		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$500.00	Number of Customers Affected 4	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint Michael Day	Date 11-23-2021
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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





**Thompson, Pamela J.**

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**From:** Mike Day <mday@702communications.com>  
**Sent:** Tuesday, November 23, 2021 3:14 PM  
**To:** -Info-Public Service Commission  
**Subject:** ND One Call Complaint  
**Attachments:** 20211123145217039.pdf; IMG\_7097.jpg

\*\*\*\*\* CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

To whom it may concern,  
Attached is a ND One Call Complaint against a contractor who was operating a drill/auger in the city of Fargo on 11-23-2021 without a current valid locate ticket. The ticket he was operating under was 13 days past expired. Also attached is a photo of the damage that was done. if you have any questions, please contact me at the phone and email below.

Thank you,  
Mike Day

Operations Manager  
mday@702com.com  
desk 218-284-5733  
cell 218-329-1814