



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Brian Kroshus

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

November 29, 2021

Jon McLaughlin  
McLaughlin Construction Co.  
1606 Maple Pl  
West Fargo, ND 58078-3416

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

Dear Jon:

Enclosed is a copy of a ND One-Call Complaint, against McLaughlin Construction Co., received by the North Dakota Public Service Commission on November 23, 2021, from Mike Day at 702 Communications, of Fargo, ND, Case Number PU-21-435. The location of the damage identified in the complaint is approximately 2000 21<sup>st</sup> Ave S, West Fargo, 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 December 13, 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 McLaughlin Construction Co. 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](mailto: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: Mike Day

2 PU-21-435 Filed: 11/29/2021 Pages: 4  
Letter enclosing North Dakota One-Call Complaint



# 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<br>702 Communications/Mike Day  | Street Address<br>2911 Fiechtner Dr | City<br>Fargo      | State and Zip Code<br>ND 58103 |
| Telephone and Cell Phone Number<br>218-284-5733  | Email Address<br>mday@702com.com    | Date<br>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<br>McLaughlin Construction/Jon McLaughlin | Street Address<br>1606 Maple Place         | City<br>West Fargo | State and Zip Code<br>ND 58078 |
| Telephone and Cell Phone Number<br>701-261-7543          | Email Address<br>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<br><input type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation<br><input type="checkbox"/> Excavator failed to provide required information in excavation or location notice<br><input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation<br><input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area<br><input type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours<br><input type="checkbox"/> Excavation started prior to underground facility locate<br><input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally<br><input checked="" type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period<br><input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities<br><input type="checkbox"/> Excavator failed to maintain the markings during excavation<br><input type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____ |
| Location of Violation:<br>2000 21st Ave S, West Fargo, ND  |
| Date and Time of Violation:<br>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><br>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<br>702 Communications 24 strand fiber optic cable   | Injuries                          | In-patient Hospitalization |
| Underground facility type(s) and Operator(s) affected:<br>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): \$<br>\$500.00   | Number of Customers Affected<br>4 |                            |
| Other impact of event:   |                                   |                            |
| Please attach photos of Event Area or Damaged Facility   |                                   |                            |

## PART I – SIGNATURE

|   |                    |
|---|--------------------|
| Signature of Person Filing Complaint<br>Michael Day | Date<br>11-23-2021 |
|---|--------------------|

**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

1 PU-21-435 Filed 11/23/2021 Pages: 3

North Dakota One-Call Complaint

Val-Ed Joint Venture LLP dba 702 Communications

Mike Day



**Thompson, Pamela J.**

---

**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