

Hamre, John G.

From: Mark Forseth <markforseth@rrv.net>
Sent: Wednesday, April 13, 2022 9:49 AM
To: -Info-Public Service Commission
Subject: ND One-Call Complaint
Attachments: Halstad Tel ND-one-call-complaint-form.pdf; ND One Call Located Ticket # 21060828.pdf; HTC Photo #1.jpg; HTC Photo #2.jpg; HTC Photo #3.jpg; HTC Photo # 4.jpg; HTC Photo #5.jpg; HTC Photo Descriptions.pdf; ECI Invoice.pdf

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

Good Morning,

Attached is Halstad Telephone's(HTC) One-Call Complaint against Eatherly Construction, Inc.(ECI). ECI struck two of HTC's located fiber optic cable on Saturday June 19th near Cummings, ND. HTC repaired the cables and has billed ECI for the cost of the repair. ECI has refused to pay for the damages they cause to HTC located cable. I have attached the following information:

- SFN 59067.
- A Copy of Locate Ticket #21060828.
- 5 Photos showing locate flags before and after the damage.
- A description of the photos.
- HTC's Repair Invoice to ECI.

Please feel free to contact me for any additional information you may need.

Thank you,

Mark Forseth
CEO/General Manager
Office: (218)-456-2125
1-800-457-2125
Fax: (218-456-2196)





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 Halstad Telephone /Mark Forseth	Street Address 345 2nd Ave West	City Halstad	State and Zip Code MN, 56548
Telephone and Cell Phone Number 218-456-2125 or 701-430-0616	Email Address markforsth@rrv.net		Date 4-12-2022
<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 Eatherly Construction, Inc / Robert Eatherly	Street Address 4831 West 136th Street, Suite E	City Leawood	State and Zip Code Kansas, 66224
Telephone and Cell Phone Number 913-685 9026 Office	Email Address unknown		

PART C – ALLEGED VIOLATION

Operator failed to provide or update the information provided to the notification center on a timely basis

Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation

Excavator failed to provide required information in excavation or location notice

Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation

Notification center failed to inform the excavator of the names of operators of underground facilities in the area

Operator failed to locate and mark underground facility within 48 hours

Excavation started prior to underground facility locate

Operator failed to mark underground facility within 24 inches horizontally

Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period

Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities

Excavator failed to maintain the markings during excavation

Other (identify the specific section of NDCC Chapter 49-23) _____

Location of Violation:
Roughly 1-2 blocks South of the driveway into 513 Hwy 81 NE, Cummings, ND. 58223.

Date and Time of Violation:
Saturday, June 19th, 2021 approximately 4:00pm.

Description (summarize the observations on which you rely to allege the violation) *If more space is required, please provide the description on a separate page.*

June 9, 2021 Eatherly Constructors Inc. (ECI) submitted ND One Call locate ticket #21060828. On June 11 approximately 10:00am, Halstad Telephone Company's (HTC) locating contractor, LSI Utility Locating Services, Inc (LSI) responded to the ticket that HTC's cables were marked. June 19th, approximately 4:00pm ECI hit HTC's located cable consisting of a 288 fiber and a 60 fiber that were buried in the same trench. HTC employees were contacted by ECI and arrived on the scene at 5:40pm June 19. HTC mobilized equipment/materials and repairs began at 8PM that same evening. Repairs were completed and the cables were backfilled by 5pm Wednesday June 23. HTC has pictures before and after the cut showing the locates in place. They are attached to this complaint. HTC has billed ECI for damages, ECI has refused to pay.

PART D – DAMAGE

Fatalities 0	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: 1 288 Fiber optic cable & 1 60 Fiber optic cable, Halstad Telephone		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$29,135.93		Number of Customers Affected 60
Other impact of event: The fiber cut disabled 3 sections of HTC's transport network. These transport sections aid in providing ring protection and reliability to all of HTC's customers, for all of its services including its 2,200 phone lines and 2,500 broadband connections.		
Please attach photos of Event Area or Damaged Facility		

PART E – SIGNATURE

Signature of Person Filing Complaint 	Date 4-13-2022
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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

North Dakota One Call

Ticket No: 21060828
 LORQ ROUTINE
Original Call Date: 06/09/21 06:12 pm
Op: webusr6
Work to Begin Date: 06/12/21 12:01 am
Op: webusr6
Expiration Date: 07/03/21 12:01 am

CALLER INFORMATION

Company Name: EATHERLY CONSTRUCTORS INC
Contact Name: DOUG BOWLING
Phone: 515-250-6495
Alt Contact: DOUG
Alt. Phone: 515-250-6495
Caller Address: 1020 VICTOR STUART, IA 50250
Email Address: bigdoog@dwx.com

DIG SITE INFORMATION

Type of Work: WATERLINE INSTALLATION
Work Being Done For: EAST CENTRAL WATER
Depth: OVER 10FT
Explosives: N
Tunneling/Boring: Y
White Lining/Site Identification: PROJECT STAKING

DIG SITE LOCATION

County: TRAILL
Place: ELDORADO TWP
City Limits: N
Address:
Street: STATE HWY 200
Intersecting Street: CO HWY 81
Location of Work: MARK 37.5 FEET EITHER SIDE OF THE STAKED ROUTE - WOOD LATH. MARK FOLLOWING THE ROUTE S FOR 1.05 MILES.

GOOGLE DRIVING DIRECTIONS:

FROM THE INTERSECTION OF STATE HWY 200 AND CO HWY 81, HEAD NORTH ON COUNTY HWY 81 NE FOR 91 FT, HEAD E FOR 52 FEET TO THE BEGINNING OF THE ROUTE.

Remarks:
Map Twp: 146N
Rng: 50W
Sect-Qtr: 8-NW,5-SW-NW
Map Twp: 147N
Rng: 50W
Sect-Qtr: 32-SW
Map Coord NW Lat: 47.4983544
Lon: -97.0702518
SE Lat: 47.4830166
Lon: -97.0697264

MEMBERS NOTIFIED

District	Company Name	Marking Concerns	Status
CTLND01	CTLQL-CENTURYLINK	800-283-4237	Marked
DNG01	DAKOTA NATURAL GAS, LLC	888-933-9743	Marked (Dakota natural gas will need to be notified and present before boring for 6th st ne is done. we have a 6 inch gas main in the south ditch of 6th st ne.. call brian at 701-430-1307 or lauren at 507-327-0834)
GFTWTR01	GRAND FORKS TRAILL WATER USERS	701-599-2963	Clear/No conflict
HALSTD01	HALSTAD TELEPHONE COMPANY	701-951-9884	Marked (Marked)
NODAK01	NODAK ELECTRIC COOPERATIVE	701-746-4461	Marked (10l 2H)
POLAR04	POLAR COMMUNICATIONS	701-284-7221	Marked (1l)
TRLWTR01	TRAILL RURAL WATER USERS	218-791-1916	Marked

Legend: Locate Polygon

Lat/Lon



200 m

RMap data ©2022

Status History Ticket No: 21060828

Date: Tue Apr 05 10:59:26 CDT 2022

Date	Type	District	Company	Status	Notes
06/09/21 18:12:37	Ticket Created				
06/09/21 18:12:37	Ticket Check Response Added	CTLND01	CTLQL- CENTURYLINK	Not yet responded	
06/11/21 14:37:28	Ticket Check Response Added	CTLND01	CTLQL- CENTURYLINK	Marked	
06/10/21 07:59:34	Ticket Check Response Added	DNG01	DAKOTA NATURAL GAS, LLC	Marked	Dakota natural gas will need to be notified and present before boring for 6th st ne is done. we have a 6 inch gas main in the south ditch of 6th st ne.. call brian at 701-430-1307 or lauren at 507-327-0834
06/09/21 18:12:37	Ticket Check Response Added	DNG01	DAKOTA NATURAL GAS, LLC	Not yet responded	
06/09/21 19:40:11	Ticket Check Response Added	GFTWTR01	GRAND FORKS TRAILL WATER USERS	Clear/No conflict	
06/09/21 18:12:37	Ticket Check Response Added	GFTWTR01	GRAND FORKS TRAILL WATER USERS	Not yet responded	
06/09/21 18:12:37	Ticket Check Response Added	HALSTD01	HALSTAD TELEPHONE COMPANY	Not yet responded	
06/11/21 09:59:06	Ticket Check Response Added	HALSTD01	HALSTAD TELEPHONE COMPANY	Marked	Marked
06/10/21 11:14:21	Ticket Check Response Added	NODAK01	NODAK ELECTRIC COOPERATIVE	Marked	101 2H
06/09/21 18:12:37	Ticket Check Response Added	NODAK01	NODAK ELECTRIC COOPERATIVE	Not yet responded	











HTC Photo #1: This photo shows:

- CO-Owner of LSI Bret Peterson working on locate ticket #21060828 for HTC on June 11th, 2021 at the site of the June 19th cut.
- To the left of Mr. Peterson is a HTC locate flag for its cable.
- At the bottom you see the pipe line laid out to be installed.
- Photo was taken by Dennis Peterson Co-Owner of LSI.

HTC Photo #2: This photo shows:

- ECI's route stake on June 11th for locate ticket # 210608828 at the site of the June 19th cut.
- HTC's locate and flags in front of and behind the route stake on June 11th.
- On the left edge you see the end of the pipe line shown in HTC Photo #1.
- Photo was taken by Bret Peterson Co-Owner of LSI.

HTC Photo #3: This photo shows:

- The site of the cut on June 19th.
- In the bottom right corner you see a remaining HTC locate flag that was seen in HTC Photo #1.
- The upper left you see the pipe line laid out to be installed that is also shown in HTC Photos #1 & #2
- Photo was taken by HTC employee Andy Shulstad.

HTC Photo #4: This photo shows:

- The site of the cut cable June 19th.
- Mostly this the same photo as HTC Photo #3 but taken from the next HTC June 11th locate flag south of the cut site looking back towards the site.
- Top center you see HTC June 11th locate flag shown in HTC Photo #1 & #3
- ECI' Equipment.
- Photo was taken by HTC employee Andy Shulstad.

HTC Photo #5: This photo shows:

- The site of the cut and the cut cable on June 19th.
- The lathe in the upper left marks the flag shown in HTC Photo #1, #3 and #4
- ECI' Equipment.
- Photo was taken by HTC employee Andy Shulstad.



Invoice

PO BOX 55
 345 2ND AVE W
 HALSTAD, MN 56548

Customer Number	Date	Invoice Number
CUST-2014	8/5/2021	INV-5657
Amount Due:		29,135.93

Bill To:
 Eatherly Constructors Inc
 1020 Victor Ave
 Stuart, IA 50250

Ship To:
 Eatherly Constructors Inc
 1020 Victor Ave
 Stuart, IA 50250

Please make all checks payable to: Halstad Telephone Company and include the invoice number on your payment.

Ship Via	Terms	Due Date	Customer PO
UPS Ground	NET 30 DAYS	9/30/2021	

Item No	Quantity	B/O	Ship	Description	Tax	Sales Price	Disc	Total
Repair Fiber Cut Hwy 200 and Hwy 81 Hillsboro, ND. Locate Ticket 21060828								
	200.00	0	200.00	BFO 288	MN	1.90	0%	380.00
	696.00	0	696.00	Fusion Splices	MN	30.00	0%	20,880.00
	1.00	0	1.00	Equipment Overhead	MN	3,196.71	0%	3,196.71
	2.00	0	2.00	Splice Case D	MN	576.00	0%	1,152.00
	8.00	0	8.00	Splice Tray Tyco D	MN	45.59	0%	364.72
	2.00	0	2.00	Splice Case Tyco 450B	MN	391.96	0%	783.92
	6.00	0	6.00	Splice Tray Tyco B	MN	26.39	0%	158.34
	200.00	0	200.00	Fiber Cable BFO60	MN	1.73	0%	346.00

Halstad Telephone Company PO BOX 55 345 2ND AVE W HALSTAD, MN 56548 (218)456-2125 (218)456-2196 Fax	Customer Number	Subtotal:	27,261.69
	PO BOX 55	Freight:	0.00
	Invoice Number	Total Tax:	1,874.24
	INV-5657	Total:	29,135.93

Thank you for your business!