

Crockford, Konrad S.

From: Crockford, Konrad S.
Sent: Wednesday, August 10, 2022 11:28
To: ben.pollis@pmtservices.net
Subject: RE: ND One- Call Complaint Against Summit Utility

Ben,

We received your refiled ND One-Call Complaint on 08-08-2022. I wanted to relay to you some follow-up questions and thoughts prior to proceeding with the complaint.

1. In regards to the “no communication” issues, state law requires the 811 notification center to establish procedures to receive positive responses from operators when facilities are marked/cleared and convey that to the excavator. One way this is done is via the 811 system where you can look up your ticket number and see the status for each operator. There is no requirement within the law for the operator/locator to make direct notification to the excavator unless the facility cannot be located within the time period or there is some other extenuating circumstance.
2. In regards to facilities not accurately marked, state law requires the facilities to be marked with the approximate horizontal location. Approximate horizontal location is defined as “a strip of land two feet (60.96 centimeters) on either side of the underground facilities.” Provided the facility is within this area, it is considered to be accurately located. If it is outside this area, then it has not been accurately located. For these types of complaints, Staff requires evidence to support the accusation. If you have pictures or other evidence to support the support that the operator failed to make the facility within 24 inches horizontally, please provide it.
3. I reviewed the ticket numbers you provided. I noted in the tracking history (supplied below for each ticket) there are comments from Missouri Valley Comm regarding conversations they had with the excavator notifying them of the delay and an agreed upon extended locate date. In the below situations, were you contacted by the locator to discuss an extension? If you were contacted, can you please identify which ones you spoke to the locator about?

Ticket No.	Date Created	Date Work to Begin	Date Cleared/Marked	Company	Status	Notes
22048346	06/08/2022	06/11/2022	06/19/2022	Missouri Valley Comm	06/10/2022 - Not Complete/In-Progress: Locator has spoken with the excavator and made arraignments.	Excavator Name: Ben Pollis Communication Date: 06-10-2022 14:00 Agreed Date: 06-16-2022 14:00 Excavator Contact: 404-348-7597 Locator Contact: 4062105423
22052451	06/14/2022	06/17/2022	NO DATE	Missouri Valley Comm	Not Complete/In-Progress: Locator has spoken with the excavator and made arrangements. (requires	Excavator Name: ben Communication Date: 06-16-2022 13:00 Agreed Date: 06-19-2022 13:00 Excavator Contact: 207-691-4911 Locator

					manhole access/2 ppl... will mark Saturday)	Contact: 4062105423
22052461	06/14/2022	06/17/2022	06/19/2022	Missouri Valley Comm	06/16/2022 - Not Complete/In-Progress: Locator has spoken with the excavator and made arraignments.	Partially marked. Need to gain access to 2 fenced yards. Supposed to be available Friday afternoon. Excavator Name: Ben Pollis Communication Date: 06-16-2022 13:00 Agreed Date: 06-19-2022 13:00 Excavator Contact: 207-691-4911 Locator Contact: 4062105432
22071298	07/11/2022	07/14/2022	07-13-2022	Missouri Valley Comm		Could not get line from can to pole to locate. Notified nemont and contractor. Drawn according to print.
22055943	06/20/2022	06/23/2022	06/23/2022	Missouri Valley Comm	06/22/2022 - Not Complete/In Progress: Locator has spoken with the excavator and made arrangements.	06/22/2023partially marked: will finish in morning Excavator Name: Ben Pollis Communication Date: 06-22-2022 13:00 Agreed Date: 06-25-2022 13:00 Excavator Contact: 207-691-4911 Locator Contact: 462105423
22058280	06/22/2022	06/25/2022	06/26/2022	Missouri Valley Comm	06/24/2022 - Not Complete/In Progress: Locator has spoken with the excavator and made arrangements.	06/24/2022 - Extended due to weather. Will mark Sunday. Excavator Name: Ben Pollis Communication Date: 06-24-2022 13:00 Agreed Date: 06-27-2022 13:00 Excavator

						Contact: 2076914911 Locator Contact: 4062105423
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Thanks for your time,

Konrad Crockford
Director, Compliance Division

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701.328.4097 • kcrockford@nd.gov • www.psc.nd.gov



From: Crockford, Konrad S.
Sent: Tuesday, August 2, 2022 15:19
To: ben.pollis@pmtservices.net
Subject: RE: ND One- Call Complaint Against Summit Utility

Ben,

Thank you for your understanding and resubmitting your complaint. I'll let you know when I receive it.

Konrad Crockford
Director, Compliance Division

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From: ben.pollis@pmtservices.net <ben.pollis@pmtservices.net>
Sent: Friday, July 29, 2022 10:41
To: Crockford, Konrad S. <kcrockford@nd.gov>
Subject: RE: ND One- Call Complaint Against Summit Utility

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Konrad,

In response to the 2 items you mentioned, firstly, I apologize, luckily I haven't had to fill out the form before now. I will submit that again with the Operators Name.

Secondly, once a Locate Ticket comes into effect I get notified and usually each individual facility will say "Cleared/Marked" or give an explanation of some sort. The Locator, on behalf of the Operator, will often write that they've have communicated with the Owner/Operator or Contractor/Excavator in some way. I mostly receive phone calls or texts if I am not on site. In regards to the tickets I listed, that communication never happened. Furthermore, there is one or two incidents of the Ticket being "Cleared/Marked" and abruptly we have found multiple lines either not accurately marked or not marked altogether. It takes away hours on a job in which we have a deadline and above all, could potentially be a danger to the public and workers alike.

When I submit my complaint again I will be sure to explain it as I have here along with references.

Thank you so much for your patience

Benjamin Pollis

Telecom Manager | PMT Services

207-691-4911 | Ben.Pollis@PMTServices.Net

-----Original Message-----

From: "Crockford, Konrad S." <kcrockford@nd.gov>

Sent: Thursday, July 28, 2022 1:53pm

To: "ben.pollis@pmtservices.net" <ben.pollis@pmtservices.net>

Subject: RE: ND One- Call Complaint Against Summit Utility

Ben,

Thank you for providing the information. Couple of things:

1. Summit is a locator contracted by an operator therefor an extension of the operator. Additionally, after reviewing some of the ticket nos. you provided I think I may know which utilities were located by Summit, however, I'm, not positive. With this in mind, please resubmit the one-call complaint with the operators name listed under respondent.
1. When you state "Contractor not spoken to" I am not fully grasping what the issue is. Do operators or companies typically speak to the contractor (excavator) what would you expect this conversation to consist of? Just need additional details.

Once I get the above, I can continue reviewing the situation. Thanks for your time and understanding.

Konrad Crockford

Director, Compliance Division

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From: ben.pollis@pmtservices.net <ben.pollis@pmtservices.net>
Sent: Wednesday, July 27, 2022 16:14
To: Crockford, Konrad S. <kcrockford@nd.gov>
Subject: RE: ND One- Call Complaint Against Summit Utility

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Hi Konrad,

Thank you for reaching out. Below you will find the ticket numbers from numerous instances. All in all, the lack of reliability from Summit has resulted in either a loss or stop in production. The total count is 14 working days, caused by Summit exclusively. The following tickets are the one that have directly impacted our work. I did reach out to Summit's management and no conclusion was ever communicated. As I expressed to Summit, it seems as if we are purposefully put low on the priority list, even before any complaints were brought up.

The working days that were affected are: 6/9-6/11 6/13-6/17 6/20-6/24 7/5-7/7

ND Ticket 22048346 - Contractor was not spoken to.

ND Ticket 22052451 - Contractor was not spoken to. Ticket finally cleared 4 days later

ND Ticket 22052461 - Contractor was not spoken to. Ticket finally cleared 4 days later, consecutive delay.

ND Ticket 22071298 - Neither Nemont or Contractor was notified. Multiple lines not located.

ND Ticket 22055943 - Ticket delayed, Contractor not notified.

ND Ticket 22058280 - Ticket delayed.

Please let me know if I can provide any more information.

Thank you

Benjamin Pollis

Telecom Manager | PMT Services

207-691-4911 | Ben.Pollis@PMTServices.Net

-----Original Message-----

From: "Crockford, Konrad S." <kcrockford@nd.gov>

Sent: Tuesday, July 26, 2022 10:16am

To: "ben.pollis@PMTServices.net" <ben.pollis@PMTServices.net>

Subject: ND One- Call Complaint Against Summit Utility

Good Morning Ben,

This email is a follow-up to the voicemail I left on our cell phone along with the office number. I received your ND One-Call Complaint against Summit Utility Services, Inc. I understand your concern, however, at this point, there isn't a lot of information on the form to assist in the investigation. If you could provide me with specific details, dates, ticket numbers and any other information you may have, I would appreciate it. Please feel free to respond to my email or give me a call at my office number listed below.

Konrad Crockford

Director, Compliance Division

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Benjamin Pollis

Telecom Manager | PMT Services

207-691-4911 | Ben.Pollis@PMTServices.Net