



Public Service Commission
State of North Dakota

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NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BENJAMIN POLLIS
PMT SERVICES INC
1713 44TH ST W
WILLISTON ND 58803

AUG 22 2022

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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Public Service Commission

State of North Dakota

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

August 17, 2022

Manager
Missouri Valley Communications, Inc.
PO Box 600
Scobey MT 59263

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

Enclosed is a copy of the ND One-Call Complaint against Missouri Valley Communications, Inc. received by the North Dakota Public Service Commission (Commission) on August 8, 2022, from Benjamin Pollis, PMT Services Inc., Williston, North Dakota, Case Number DM-22-324. The location identified in the complaint is 314 4th Street West, Williston, North Dakota.

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 September 2, 2022**, with your written account of the event, including the applicable One-Call locate ticket number for work performed at the location indicated above.

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 Missouri Valley Communications, Inc. 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 701-328-4097 or kcrockford@nd.gov with any questions regarding this correspondence.

Sincerely,

Konrad Crockford /SAB
Konrad Crockford
Director, Compliance Division

Enc: ND One-Call Complaint

✓c: Benjamin Pollis
PMT Services Inc.



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 PMT SERVICES INC - BENJAMIN POLLIS	Street Address 1713 44TH ST W	City WILLISTON	State and Zip Code ND 58803
Telephone and Cell Phone Number 2076914911	Email Address BEN.POLLIS@PMTSERVICES.NET		Date 8/8/22
<input 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 SUMMIT UTILITY/MISSOURI VALLEY	Street Address 61 HIGHWAY 13 SOUTH P.O.BOX 600	City SCOBEY	State and Zip Code MT59263
Telephone and Cell Phone Number 18006366680	Email Address		

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 checked="" 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 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) <u>49-23-04. Excavation. Section 6.3. Failure to notify Excavator</u>
Location of Violation: 314 4th St W, Williston, ND 58801
Date and Time of Violation: 7/15/22 12:05 am
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> Typically, when 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/damaged multiple lines either not accurately marked or not marked altogether. The working days that were affected are: 6/9-6/11 6/13-6/17 6/20-6/24 7/5-7/7. Attached is a separate sheet with all the Ticket Number.

PART D – DAMAGE

Fatalities	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected:		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$		Number of Customers Affected
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint <i>Ben P</i>	Date 8/8/22
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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

2 DM-22-324 Filed 08/08/2022 Pages: 2
Revised North Dakota One-Call Complaint
PMT Services, Inc.
Ben Pollis

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.