



Public Service Commission
State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

**RESPONSE REQUIRED BY
OCTOBER 28, 2022**

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

October 11, 2022

Cable One, Inc. dba Sparklight
1024 Page Dr.
Fargo, ND 58103

Cable One, Inc. dba Sparklight
210 E. Earll Dr.
Phoenix, AZ 85012

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 Sparklight received by the North Dakota Public Service Commission (Commission) on September 19, 2022, from Kelly Roseen, Merritt Landscape Design, Fargo, North Dakota, Case Number DM-22-369. The location identified in the complaint is Northern Plains Distributing, 2308 Main Avenue West, West Fargo, 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 October 28, 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 Sparklight 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
Director, Compliance Division

Enc: ND One-Call Complaint

c: Kelly Roseen
Merritt Landscape Design

2 **DM-22-369** Filed: 10/11/2022 Pages: 8
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 Merritt Landscape Design/Kelly Roseen (office mgr)	Street Address 3440 39th Ave S	City Fargo	State and Zip Code ND
Telephone and Cell Phone Number 701-781-0004	Email Address merrittlandscape@aol.com	Date 9/16/22	
<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 Sparklight /Locator	Street Address	City Fargo	State and Zip Code ND
Telephone and Cell Phone Number		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 type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours <input type="checkbox"/> Excavation started prior to underground facility locate <input checked="" 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) _____
Location of Violation: 2308 Main Ave W West Fargo, ND (Northern Plains Distributing)
Date and Time of Violation: 9/15/22 ~4:00PM
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> Our workers hit fiber optic cable which was not marked. We have pictures and short video of the area showing no markings or flags in the area where the cable was hit. Our workers: Michael Jacobson 701-318-2327 Jacob Merritt 701-781-0005

PART D – DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: Sparklight Internet Fiber Optic Cable		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ Don't know how much it costs to run new fiber optic cable.	Number of Customers Affected 1 - Northern Plains Distributing	
Other impact of event: Northern Plains Distributing had to close early as they had no internet service. Andy Magnotto - Northern Plains Distributing 701-388-4880. (Andy also witnessed lack of markings)		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 9-19-22
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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













CITY OF
WEST FARGO
WATER
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