



Public Service Commission
State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

**RESPONSE REQUIRED BY
JULY 11, 2024**

June 13, 2024

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

Allen Darling
Capital City Construction Inc
PO Box 7337
Bismarck ND 58507-7337

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

Enclosed is a copy of the North Dakota One-Call Complaint against Capital City Construction, Inc. received by the North Dakota Public Service Commission (Commission) on June 10, 2024, from Lumen/CenturyLink, Mandan, North Dakota, Case Number DM-24-230. The location identified in the complaint is 711 6th Avenue Southwest, Mandan, 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 July 11, 2024**, with your written account of the event, including the applicable One-Call locate ticket number(s) for work performed at the location indicated above and in connection with the enclosed complaint.

Your response and the North Dakota 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 with the Commission a formal complaint against Capital City Construction, Inc., which may result in a civil penalty up to \$25,000 per violation in accordance with 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

Enclosure: North Dakota One-Call Complaint

2 DM-24-230 Filed 06/13/2024 Pages: 7
Letter Enclosing North Dakota One-Call Complaint

Public Service Commission



ONE-CALL COMPLAINT
PUBLIC SERVICE COMMISSION
 SFN 59067 (08/2022)

INSTRUCTIONS: To allege a violation of the One-Call Excavation Notice System (N.D.C.C. Chapter 49-23), complete this form in its entirety.

SECTION I – COMPLAINANT (Individual/entity completing form)

Company/Entity Name (if applicable) Lumen/CenturyLink			
Contact Person Connie M kassian or Josh King	Email Address connie.kassian@lumen.com or Joshua.King@Lumen.com	Telephone Number 701-426-9685 or 605-484-4314	
Mailing Address 1101 16th St NE	City Mandan	State ND	Zip Code 58544
Complainant is willing and able to testify on the complaint if matter proceeds to a formal hearing.		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

SECTION II – RESPONDENT (Individual/entity who allegedly violated the One-Call law)

Company/Entity Name (if applicable) Capital City Construction, Inc			
Contact Person AllenDarling	Email Address allen@cccincnd.com	Telephone Number 701-202-0666	
Mailing Address 1501 E Calgary Ave	City Bismarck	State ND	Zip Code 58507-7337

SECTION III – ALLEGED VIOLATION

OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).

<input checked="" type="checkbox"/> Operator failed to mark or clear underground facility within locate period.	<input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally.
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EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).

<input type="checkbox"/> Excavation started prior to underground facility locate.	<input checked="" type="checkbox"/> Excavator failed to provide locate notice prior to beginning excavation.
<input checked="" type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner.	<input type="checkbox"/> Excavator failed to renew locate request prior to expiration of the 21-day period.

OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.

Write Issue/Concern: _____

SECTION IV – DESCRIPTION/DAMAGE

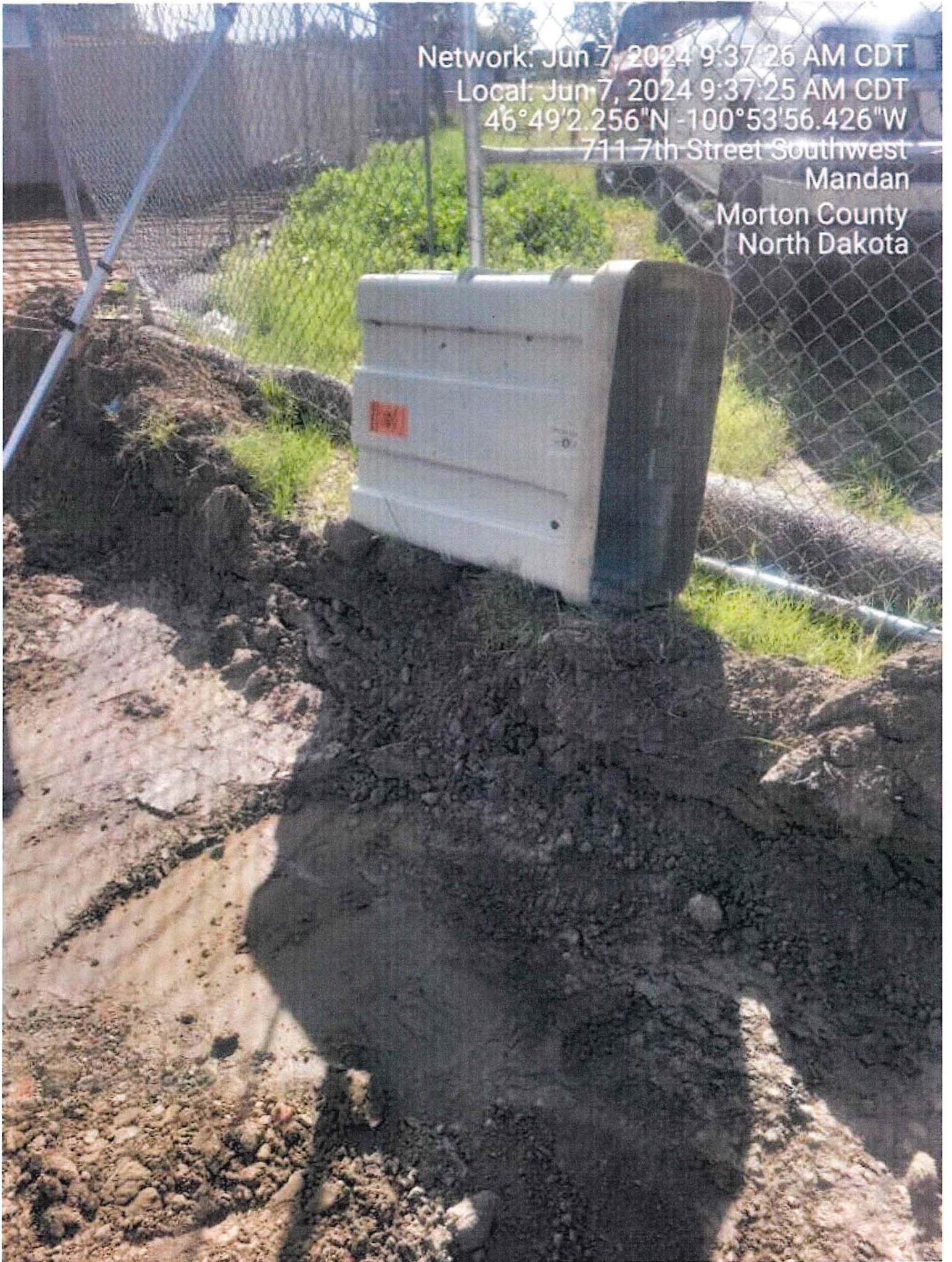
Date and Time of Event 06/06/2024 4:30 pm	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 711 6th Ave SW Mandan ND	One-Call Ticket Number did not call one in
Underground Facility Affected <input type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Cable <input checked="" type="checkbox"/> Communications <input type="checkbox"/> Water <input type="checkbox"/> Sewer/Storm Water <input type="checkbox"/> Petroleum <input type="checkbox"/> Other _____		
Material & Size of Underground Facility (Poly, Steel, Coated Pipe / Fiberoptic / 2 KW / 1.5 in, 2 in / etc.) a 400 pr, 600 pr and 900 pr copper facility damaged		Operator(s) Affected
Estimated Value of Damage +- \$25,000	Injuries (List Number, If Any) 0 Fatalities 0 Injuries 0 Hospitalizations	Number of Customers Affected FAA ckts and/or 32 workers
Description of the alleged violation/concern. If more space is required, attach additional page(s). Lumen' s circuits went down Thursday, June 6, 2024. To find Capital City Construction Inc, located 1500 East Calgary Ave, Bismarck, ND , intentional excavated and tore out Lumen' s facility at 711 6th Ave SW, Mandan, ND. Capitol City did not call in a locate ticket, decided abandoned and chaks it up to miscommunications. There was a large terminal above ground that Capital removed. When you intentionally rip out existing facilities and take down the FAA circuits in addition to other circuits. How can this be miscommunications?		

SECTION V – SIGNATURE OF COMPLAINANT

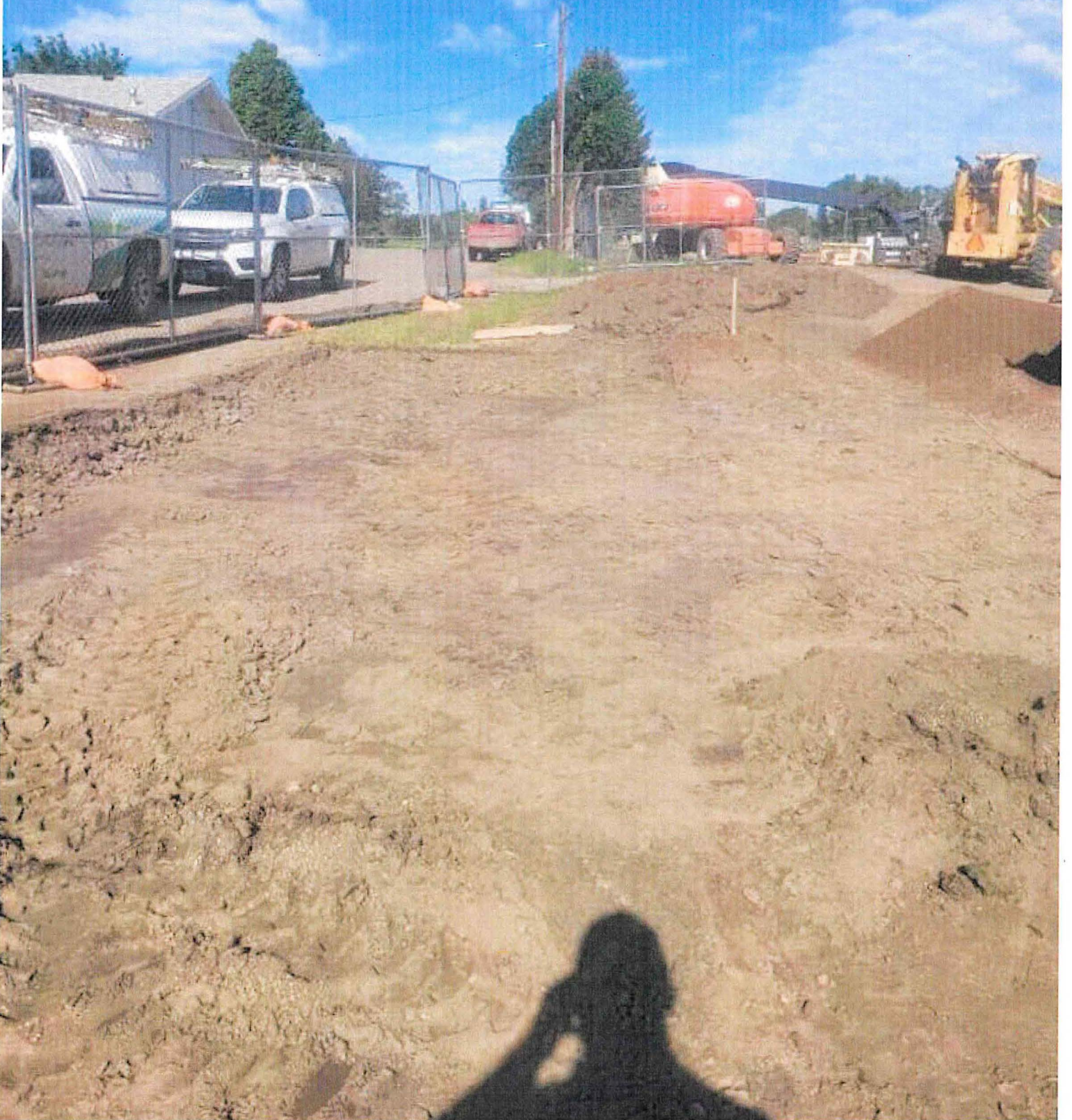
Signature 	Printed Name Connie M Kassian	Date 06/10/2024
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Please email the completed form to ndpsc@nd.gov, fax to 701-328-2410, or mail to: Public Service Commission
 600 E. Boulevard Ave. Dept 408
 Bismarck, ND 58505-0480

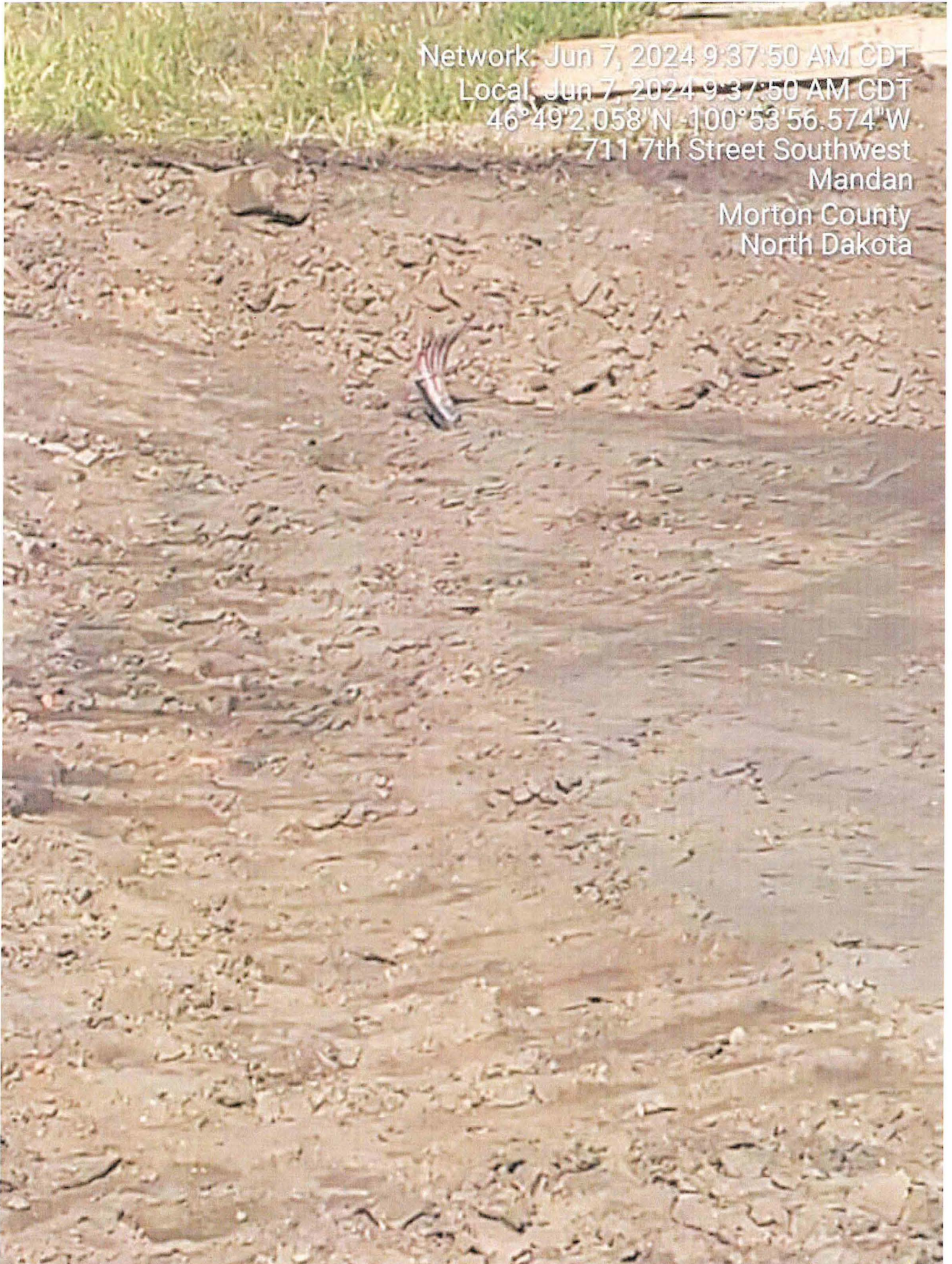
Network: Jun 7, 2024 9:37:26 AM CDT
Local: Jun 7, 2024 9:37:25 AM CDT
46°49'2.256"N -100°53'56.426"W
711 7th Street Southwest
Mandan
Morton County
North Dakota



Network: Jun 7, 2024 9:37:47 AM CDT
Local: Jun 7, 2024 9:37:46 AM CDT
46°49'2.127"N -100°53'56.592"W
711 7th Street Southwest
Mandan
Morton County
North Dakota



Network: Jun 7, 2024 9:37:50 AM CDT
Local: Jun 7, 2024 9:37:50 AM CDT
46°49'2.058"N - 100°53'56.574"W
711 7th Street Southwest
Mandan
Morton County
North Dakota



Network: Jun 7, 2024 9:48:27 AM CDT

Local: Jun 7, 2024 9:48:26 AM CDT

46°49'2"N -100°53'57.008"W

815 5th Street Southwest

Mandan

Morton County

North Dakota



Network: Jun 7, 2024 9:37:21 AM CDT
Local: Jun 7, 2024 9:37:20 AM CDT
46°49'23.67"N - 100°58'56.417"W
711 7th Street Southwest
Mandan
Morton County
North Dakota

