



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) Midco | | | |
| Contact Person Randy Heaton | Email Address Randy.Heaton@midco.com | Telephone Number 701-471-3530 | |
| Mailing Address 719 Memorial Highway | City Bismarck | State ND | Zip Code 58504 |
| 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) Martin Construction | | | |
| Contact Person Darin Keller, James Bozovsky | Email Address | Telephone Number 701-483-3478 | |
| Mailing Address 3685 116th Ave SW | City Dickinson | State ND | Zip Code 58601 |

SECTION III – ALLEGED VIOLATION

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

| | |
|--|--|
| <input 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. |
|--|--|

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 8/27/2025 8:08AM | Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 3929 Memorial Highway Mandan ND | One-Call Ticket Number 25106409 |
| Underground Facility Affected <input type="checkbox"/> Electric <input type="checkbox"/> Gas <input checked="" type="checkbox"/> Cable <input checked="" type="checkbox"/> Communications <input type="checkbox"/> Water <input type="checkbox"/> Sewer/Storm Water <input type="checkbox"/> Petroleum <input checked="" type="checkbox"/> Other <u>Fiber</u> | | |
| Material & Size of Underground Facility (Poly, Steel, Coated Pipe / Fiberoptic / 2 KW / 1.5 in, 2 in / etc.) 4 Fibers (144, 96, 72, 48) counts | Operator(s) Affected Midco | |
| Estimated Value of Damage \$35,485 | Injuries (List Number, If Any) Fatalities _____ Injuries _____ Hospitalizations _____ | Number of Customers Affected over 30,000 |
| Description of the alleged violation/concern. If more space is required, attach additional page(s). Description of the violation attached. | | |

SECTION V – SIGNATURE OF COMPLAINANT

| | | |
|----------------------------------|------------------------------|------------------|
| Signature <i>Randy Heaton</i> | Printed Name Randy Heaton | Date 9-4-2025 |
|----------------------------------|------------------------------|------------------|

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

On August 27, 2025, Martin Construction violated North Dakota One Call laws by damaging Midco's underground facilities during excavation.

Martin Construction called in locates for underground facilities and Midco properly marked its facilities. Martin Construction failed to maintain adequate clearance from the markings as they did not pothole and spot the underground facilities. Martin Construction also failed to maintain the markings and scraped them away with the excavating equipment during excavation. After Martin Construction damaged the conduit containing Midco's underground facilities, they did not stop operations and immediately notify Midco, as required under North Dakota's one-call laws. Instead, Martin Construction continued to perform work, which caused additional damage. In all, Martin Construction damaged 144 count, 96 count, 72 count and 48 count fiberoptic cables and conduit. This is the second fiber cut by Martin Construction on Memorial Highway during this project.

On 6/10/25 they cut a 72 count fiberoptic cable. The cause of that damage was due to a failure to call in locates for the work they were performing.

This damage affected the following customers and services:

Infinera – Fiberoptic services:

2.5G WAVE Customers – 2

10G WAVE Customers – 11

100G WAVE Customers – 2

Dedicated Fiber – 4 customers

Cell Towers – 5 cell sites (number of end-users impacted unknown)

Low Earth Orbit (LEO) satellite backhaul – 1 provider (number of end-users impacted unknown)

Minot Air Force base

Legacy Cable Television:

Services unavailable to 21,165 customers across the Dickinson, New Salem, Glen Ullin, Hebron, Bismarck, and Lincoln, North Dakota, franchises.

Mandan Fiberoptic Nodes Impacted – 43

9,276 customers impacted for the following services:

- 2,199 legacy video customers
- 4,728 data customers
- 665 telephone customers
- 1,684 MidcoTV customers

The cost to Midco to repair the damage (not including customer credits and any loss of goodwill due to the outage): \$35,485