



Outlook

DM-25-246 Response - Martin Construction - Mandan ND

From Matthew Church <mchurch@martinnd.com>

Date Fri 9/11/2026 11:42 AM

To kcrockford@nd.gov <kcrockford@nd.gov>

 1 attachment (3 MB)

DM-25-246 Response.pdf;



Hi Konrad,

Please see our attached response to the above-mentioned claim. It includes our one call tickets for that period of time, along with Martin Construction's official accident form, which includes a section for corrective action.

Once the incident happened, we immediately notified our insurance provider and Midco was paid on 10/28/25 for the damages incurred.

I will also be mailing the original copy of this to the address called out in the letter from you.

Thanks,
Matt Church
701-495-2417

3 DM-25-246 Filed 09/11/2026 Pages: 11
Response to North Dakota One-Call Complaint

Martin Construction, Inc.
Matthew Church



Ticket: 25106407

From nd@occinc.com <nd@occinc.com>
Date Mon 8/18/2025 8:28 AM
To Matthew Church <mchurch@martinnd.com>

NORTH DAKOTA ONE CALL

It is your responsibility to ensure that both the ticket information and mapping location are correct, and that no work will take place outside the area indicated on the map. You can do that by clicking - [HERE](#). Should any changes need to be made, you can use the 'Update' function. You can do that by clicking - [HERE](#). If you have any questions, please email ialead@occinc.com.

The map is used to determine which Utility members may have facilities in your dig area. It is important that the precise excavation area and scope of work be fully described in the extent of work field on the ticket. Not all utilities have/will access a copy of the map.

To view utility status, or request a 'Relocate', 'Cancel', 'Dig-Up' or 'Non-Response' request click - [HERE](#).

Ticket Summary

NOTICE OF INTENT TO EXCAVATE	LORQ ROUTINE
Request #:	25106407
Original Call Date:	08/18/25
Time:	9:25 AM CT
Type:	WEB
Work to Begin Date:	08/21/25
Time:	12:01 AM CT
Expiration Date:	09/11/25
Time:	12:01 AM CT

Work Information

Location:	County:	MORTON	City:	MANDAN	City Limits:	Y
Address / Street: 0 I- 94 BUS						
Near Intersection: 32ND AVE SE						
Map Twp:	139N	Rng:	81W	Sect-Qtr:	36-NE	

Excavation Type:

Depth:	4FT	Explosives:	N	Tunneling/Boring:	N
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White lining/site identification: WHITE MARKING

Type of Work: ROAD CONSTRUCTION

Extent of Work:

MARKING INSTRUCTIONS: MARK 50 FT EITHER SIDE OF THE MEMORIAL HIGHWAY - MEMORIAL HIGHWAY. MARK FOLLOWING THE ROUTE NW FOR 959 FT.

GOOGLE DRIVING DIRECTIONS:
FROM THE INTERSECTION OF I- 94 BUS AND 32ND AVE SE, HEAD NORTHEAST ON 32ND AVE SE FOR 42 FT. TURN RIGHT ONTO I-94BL E FOR 0.129 MI HEAD SW FOR 36 FT TO THE BEGINNING OF THE ROUTE.

Remarks:

SOUTH SIDE ONLY, SOUTH OF CONCRETE MEDIAN BARRIERS

Caller Information

Company:	MARTIN CONSTRUCTION INC	Call Back:	
Address:	3685 116TH AVE; DICKINSON, ND 58601		
Contact Email:	mchurch@martinnd.com		
Work For:	NDDOT		
Contact Name:	MATTHEW CHURCH	Phone:	701-495-2417
Type:	CONTRACTOR		
Alt. Contact:		Phone:	

Members Notified

Code	Company Name	Phone
ATT01	AT&T CORP.	(800)252-1133
CTLND01	CTLQL-CENTURYLINK	(800)283-4237
MANDAN01	CITY OF MANDAN	(701)667-3240
MDU09	MONTANA DAKOTA UTI	(406)728-9343
MIDCON08	MIDCONTINENT CABLE	(605)271-0202

Location Information**Number of Excavation Locations: 1**

Below are the farthest NW and SE coordinates of the Excavation Polygon(s). Please use "Link to Tkt" to access all points.

Poly 1: NW Lat: 46.8171690 Lon: -100.8479821 SE Lat: 46.8152055 Lon: -100.8443590

Excavator Responsibilities

- * If there are any private underground facilities in the excavation area, you must contact them directly. Any underground facilities owned by the property owner will not be located or marked by local utilities.
- * North Dakota dig law states no mechanical excavating can take place within 24" of the outer edge of an underground facility. Any digging within this area must be done manually and in a careful and prudent manner, supporting and protecting any uncovered facility. Please consult the North Dakota Century Code for more information on responsibilities for safe excavation by visiting www.ndonecall.com/nd-dig-law/.



Outlook

Ticket: 25106408**From** nd@occinc.com <nd@occinc.com>**Date** Mon 8/18/2025 8:28 AM**To** Matthew Church <mchurch@martinnd.com>**NORTH DAKOTA ONE CALL**

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Should any changes need to be made, you can use the 'Update' function. You can do that by clicking - [HERE](#). If you have any questions, please email ialead@occinc.com.

The map is used to determine which Utility members may have facilities in your dig area. It is important that the precise excavation area and scope of work be fully described in the extent of work field on the ticket. Not all utilities have/will access a copy of the map.

To view utility status, or request a 'Relocate', 'Cancel', 'Dig-Up' or 'Non-Response' request click - [HERE](#).

Ticket Summary**NOTICE OF INTENT TO EXCAVATE****LORQ ROUTINE****Request #:** 25106408**Original Call Date:** 08/18/25 **Time:** 9:25 AM CT **Type:** WEB**Work to Begin Date:** 08/21/25 **Time:** 12:01 AM CT**Expiration Date:** 09/11/25 **Time:** 12:01 AM CT**Work Information****Location: County:** MORTON **City:** MANDAN **City Limits:** Y**Address / Street:** 0 I- 94 BUS**Near Intersection:** 39TH AVE SE**Map Twp:** 139N **Rng:** 81W **Sect-Qtr:** 36-SE-NE**Excavation Type:****Depth:** 4FT **Explosives:** N **Tunneling/Boring:** N**White lining/site identification:** WHITE MARKING**Type of Work:** ROAD CONSTRUCTION**Extent of Work:**

MARKING INSTRUCTIONS: MARK 50 FT EITHER SIDE OF THE MEMORIAL HIGHWAY - MEMORIAL HIGHWAY. MARK FOLLOWING THE ROUTE NW FOR 960 FT.

GOOGLE DRIVING DIRECTIONS:

FROM THE INTERSECTION OF I- 94 BUS AND 39TH AVE SE, HEAD NORTHWEST ON I-94BL E FOR 0.136 MI. TURN LEFT FOR 62 FT HEAD SE FOR 31 FT TO THE BEGINNING OF THE ROUTE.

Remarks:

SOUTH SIDE ONLY, SOUTH OF CONCRETE MEDIAN BARRIERS

Caller Information

Company:	MARTIN CONSTRUCTION INC	Call Back:	
Address:	3685 116TH AVE; DICKINSON, ND 58601		
Contact Email:	mchurch@martinnd.com		
Work For:	NDDOT		
Contact Name:	MATTHEW CHURCH	Phone:	701-495-2417
Type:	CONTRACTOR		
Alt. Contact:		Phone:	

Members Notified

Code	Company Name	Phone
CTLND01	CTLQL-CENTURYLINK	(800)283-4237
MANDAN01	CITY OF MANDAN	(701)667-3240
MDU09	MONTANA DAKOTA UTI	(406)728-9343
MIDCON08	MIDCONTINENT CABLE	(605)271-0202

Location Information**Number of Excavation Locations: 1**

Below are the farthest NW and SE coordinates of the Excavation Polygon(s). Please use "Link to Tkt" to access all points.

Poly 1: NW Lat: 46.8155895 Lon: -100.8449182 SE Lat: 46.8136234 Lon: -100.8412902

Excavator Responsibilities

- * If there are any private underground facilities in the excavation area, you must contact them directly. Any underground facilities owned by the property owner will not be located or marked by local utilities. North Dakota dig law states no mechanical excavating can take place within 24" of the outer edge of an
- * underground facility. Any digging within this area must be done manually and in a careful and prudent manner, supporting and protecting any uncovered facility. Please consult the North Dakota Century Code for more information on responsibilities for safe excavation by visiting www.ndonecall.com/nd-dig-law/.



Ticket: 25106409

From nd@occinc.com <nd@occinc.com>
Date Mon 8/18/2025 8:28 AM
To Matthew Church <mchurch@martinnd.com>

NORTH DAKOTA ONE CALL

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Ticket Summary

NOTICE OF INTENT TO EXCAVATE		LORQ ROUTINE			
Request #:	25106409				
Original Call Date:	08/18/25	Time:	9:25 AM CT	Type:	WEB
Work to Begin Date:	08/21/25	Time:	12:01 AM CT		
Expiration Date:	09/11/25	Time:	12:01 AM CT		

Work Information

Location:	County:	MORTON	City:	MANDAN	City Limits:	Y
Address / Street:		0 I- 94 BUS				
Near Intersection:		40TH AVE SE				
Map Twp:	139N	Rng:	80W	Sect-Qtr:	31-SW	
Map Twp:	139N	Rng:	81W	Sect-Qtr:	36-SE	

Excavation Type:			
Depth:	4FT	Explosives: N	Tunneling/Boring: N
White lining/site identification:	WHITE MARKING		
Type of Work:	ROAD CONSTRUCTION		
Extent of Work:			

MARKING INSTRUCTIONS: MARK 50 FT EITHER SIDE OF THE MEMORIAL HIGHWAY - MEMORIAL HIGHWAY.
MARK FOLLOWING THE ROUTE NW FOR 960 FT.

GOOGLE DRIVING DIRECTIONS:

FROM THE INTERSECTION OF I- 94 BUS AND 40TH AVE SE, HEAD S FOR 12 FT TO THE BEGINNING OF
THE ROUTE.

Remarks:

SOUTH SIDE ONLY, SOUTH OF CONCRETE MEDIAN BARRIERS

Caller Information

Company: MARTIN CONSTRUCTION INC Call Back:
Address: 3685 116TH AVE; DICKINSON, ND 58601
Contact Email: mchurch@martinnd.com
Work For: NDDOT
Contact Name: MATTHEW CHURCH Phone: 701-495-2417
Type: CONTRACTOR
Alt. Contact: Phone:

Members Notified

Code	Company Name	Phone
CTLND01	CTLQL-CENTURYLINK	(800)283-4237
MANDAN01	CITY OF MANDAN	(701)667-3240
MDU09	MONTANA DAKOTA UTI	(406)728-9343
MIDCON08	MIDCONTINENT CABLE	(605)271-0202

Location Information

Number of Excavation Locations: 1

Below are the farthest NW and SE coordinates of the Excavation Polygon(s). Please use "Link to Tkt" to access all points.

Poly 1: NW Lat: 46.8140074 Lon: -100.8418494 SE Lat: 46.8120413 Lon: -100.8382214

Excavator Responsibilities

- * If there are any private underground facilities in the excavation area, you must contact them directly. Any underground facilities owned by the property owner will not be located or marked by local utilities.
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INITIAL REPORT of

☒ Accident/Incident

☐ Injury

1. Supervisor: Darin Keller

Time and Date of Accident/Injury: 8:00 am. 8/27/2025

Time and Date reported to Supervisor: 8:05 am. 8/27/2025

Job Number: 251109

Unit Number: 4022

2. All persons involved in accident: (company personnel and others)

Name	Address	Phone
James Bozovsky		701.640.5794

3. Witnesses and/or persons with knowledge:

Name	Address	Phone

4. All investigators, including OSHA, MSHA, Worker's Compensation, Highway Patrol, Sheriff's Department, Police, Insurance Adjusters, etc. (obtain business card and accident report if possible).

Name	Address	Phone

5. Description of other vehicle/property: Midcontinent fiber optic line

6. Describe damages to other vehicle/property: Severed fiber optic line

7. Describe damages to our vehicle/property: Fiber line was cut while excavating

8. Company Vehicle to be repaired? _____

Where

When

9. Describe any injuries _____

10. Employee Description of accident **(REQUIRED SECTION):**

During excavation, fiber line was tore. Thought it was the old
abandoned line. No indication of flags in the vicinity.

These sections are REQUIRED!

11. **Supervisor's Description of accident (REQUIRED SECTION)** (Refer to vehicles or individuals by letter indicated in paragraphs 2 & 3) Photographs should be taken, not only to show close-ups of the accident scene itself but to show each side of the scene and the view beyond. Make note of weather and road conditions.
- During excavation in the vicinity of the Lonesome Dove, encountered and severed conduit with fiber optic line. Initially thought it was the old abandoned line. Within 15 minutes Midcontinent personnel arrived and informed that it is an active fiber optic line. Immediately halted work in the area. No flags within area to indicate location within excavation area.

Corrective Action (REQUIRED SECTION) What can be done to prevent this from happening again?
Coordinate with utility companies and prime contractor to insure all utility conflicts have been resolved.

12. Medical Treatment Required? ☐ Yes ☐ No ☒ Not Applicable

Name of Physician and/or Hospital: _____

Address: _____ Phone: _____

Lost Time day of Injury? ☐ Yes ☐ No If yes, how much: _____

Further Lost time Expected? ☐ Yes ☐ No Approximately, how much: _____

Date Employee returned to work: _____

All Workers' Compensation forms and Doctors' Reports
(ND C-3) Forms **MUST** be filled out completely and turned it within **24 HOURS** of injury!!

ALL ACCIDENTS AND PROPERTY DAMAGE MUST BE REPORTED WITHIN 24 HOURS!

Date: 8/27/2025

Employee Signature (Required): _____ *Don Dugan*

Supervisor Signature (Required): _____ *Don Miller*

Reviewed by (Office Use Only): _____



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

**RESPONSE REQUIRED BY
September 11, 2026**

August 17, 2026

Darin Keller
James Bozovsky
Martin Construction Inc
3685 116th Ave SW
Dickinson ND 58601

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 Martin Construction, Inc. received by the North Dakota Public Service Commission (Commission) on September 4, 2025, from Midco, Bismarck, North Dakota, Case Number DM-25-246. The location is identified in the complaint.

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 11, 2026**, with your written account of the event, including the applicable One-Call locate ticket number(s) for work performed at the location identified in the complaint 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 Martin 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



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.		☒ YES	☐ 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.).			
☐ Operator failed to mark or clear underground facility within locate period.	☐ 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.).			
☐ Excavation started prior to underground facility locate.	☒ Excavator failed to provide locate notice prior to beginning excavation.		
☒ Excavator failed to conduct the excavation in a careful and prudent manner.	☐ 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 ☐ Electric ☐ Gas ☒ Cable ☒ Communications ☐ Water ☐ Sewer/Storm Water ☐ Petroleum ☒ 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 	Printed Name Randy Heaton	Date 9-4-2025
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Please email the completed form to ndpsc@nd.gov, fax to 701-328-2410, or mail to: Public Service Commission