



Economic Impact Committee

Interim Committee Meeting
September 17th, 2015

Tim Burckhard
Director of Field Operations
SRT Communications Inc
Minot, ND

RE: Agenda item - ND One-Call Excavation Notice System

Interim Committee Members,

Thank you in advance for allowing me to share comments regarding the ND One-Call Notification System. As a communications provider for a large area, SRT Communications has the opportunity to work with many contractors and homeowners that have the need to perform excavation work around our buried facilities that provides voice, data and video services to thousands of businesses and residential customers.

Overall, SRT has a very good working relationship with all of the contractors and homeowners that are performing the excavating and for the most part, the excavators are very good at following the guidelines that have been established by the ND One-Call Notice System. With that said, at times we do encounter instances where we may have a repeat offender that neglects to follow the rules. When these instances occur, I am fully aware that a complaint can be filed with the Public Service Commission and if deemed appropriate, the PSC has the ability to assess fines for the violation(s) committed. The concern I have, as well as similar concerns with other utility owners and operators, is when complaints are filed, even though the Public Service Commission deems violations were committed, they do not have the proper authority to follow through with enforcing penalties.

One particular example I can provide is of a contractor that was installing water and sewer lines on a 10 block street project in southeast Minot that began in April of 2014 and ended in October of 2014. This particular contractor made no effort to "reasonably protect and preserve locate markings until no longer required for proper and safe excavation work near the underground facility" as written in the ND One-Call handbook. SRT Communications, along with Verendrye Electric Cooperative, incurred extensive locating costs because of the frequency that the contractor was requesting relocations for the entire project. SRT's additional costs alone totaled over \$5,500 for the remarking of our facilities for the project. As many as up to 3 refresh locates per day were called in for the entire 10 block project from Broadway to 37th St SE. I completely understand that because of the nature of work being performed, and the amount of equipment needed to work the project, markings would be obliterated. I also understand that it is the operator's or facility owner's responsibility to remark the facilities to protect them as much as possible. The issue we had with this contractor is they made absolutely no effort to preserve and protect the markings. They knowingly and admittedly destroyed freshly laid markings within minutes or hours after being placed, and when confronted about their practice, told us that if we did not remark the facilities they would do whatever they needed to do to complete their project. They indicated they would dig through our facilities without taking precautions to protect them. Many times

while we were refreshing the markings, they would be following the locators with heavy equipment and removing the markings within minutes with no effort to preserve them.

Because of their complete lack of respect for the facilities involved, complaints were filed with the PSC and many additional hours of time was spent by both SRT and Verendrye Electric providing information that compiled a total of 41 violations of "Excavator failed to maintain the markings during excavation" as listed as a violation on the ND One-Call Complaint form. In working with the PSC on this issue, it was agreed that these were definitely deemed violations and a fine would be assessed to the contractor. To my knowledge and to date, no fines have been assessed as the PSC didn't feel they had the authority to follow through with the enforcement of any penalties for the violations that were committed.

In cases as such where there is a complete lack of respect or effort, especially when the work is being performed by contractors who know the rules but choose to ignore them, as well as facility damages that occur because of no locate requests, locate requests that involve unreasonable lengths of work to be performed within the 21 day window for a valid ticket, I strongly urge you to consider looking further into the enforcement of penalties and giving the PSC the authority to enforce minimum fines for those that are deemed in violation, especially for those that blatantly neglect to follow the rules and guidelines of the ND One-Call Notification System.

Thank you for your time,

Tim Burckhard
Director of Field Operations
SRT Communications Inc