

**Nelson, Jeffrey N.**

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**From:** d. crothers [dcrothers@yahoo.com]  
**Sent:** Wednesday, October 31, 2007 6:51 AM  
**To:** Flakoll, Tim; aanderson@nd.gov; Fisher, Todd; Heitkamp, Joel C.; Lyson, Stanley; Aarsvold, Ole L.; Damschen, Charles D.; DeKrey, Duane L.; Dietrich, Donald D.; Haas, C. B.; Hanson, Lyle L.; Heller, Brenda A.; Nottestad, Darrell D.; Pinkerton, Louis; Porter, Tim C.  
**Cc:** Nelson, Jeffrey N.  
**Subject:** Natural Resources Committee...civil penalties for one call violations

Chairman Flakoll and members of Natural Resources Committee:

The independent telephone industry looks forward to participating in the debate regarding adoption of civil penalties for violations of the North Dakota one-call statute. I apologize for not being with you today, but we are in Rapid City meeting with our peers from Minnesota and South Dakota in one of the larger meetings we schedule each year.

The rural telecommunications companies have some early reservations about creating civil penalties and believe the "one-call" system has worked quite well in North Dakota since its adoption. Our experience is that the overwhelming majority of excavators are diligent in their digging, but that accidents do happen. However, there remain a handful who dig without regard to the consequences.

It should also be noted that North Dakota has a feature within their one-call statute that virtually no other State has: that is the ability for the owners of underground facilities to recover the value of lost product.

That provision was added specifically to encourage excavators to use extreme care. There is no monetary limit or financial cap on the liability faced by an excavator and could potentially far exceed any civil penalty created by the legislature.

Once again, I apologize for not being with you today and look forward to participating in future discussions.

Best wishes,

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