



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

Mr. Allen C. Hoberg  
Office of Administrative Hearings  
1707 North 9<sup>th</sup> Street, Lower Level  
Bismarck, ND 58501

Re: Public Service Commission v. Riley Brothers Construction  
Damage Prevention Enforcement - PSC Staff Complaint  
Case No. WM-09-640

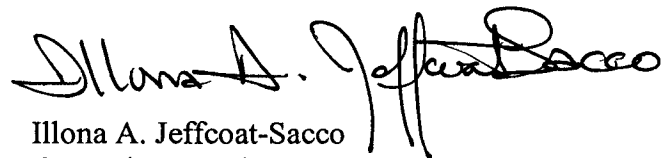
Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. As of yet, the Complaint has not yet been served and no Notice has been issued in this case. We will be in touch with you concerning service of the Complaint and issuance of the Notice.

The Administrative Law Judge will serve as a substantive administrative law judge, and will issue recommended findings of fact, conclusions of law, and order. The hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,

  
Illona A. Jeffcoat-Sacco  
General Counsel

Enclosure  
c/w enclosures: Chris Riley, Riley Brothers Construction  
Donna Patrick, NuStar Pipeline



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
**NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS**  
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission  
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Public Service Commission v. Riley Brothers Construction, Damage Prevention Enforcement - PSC Staff Complaint

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in N.D.C.C. Chapter 49-23 and Section 49-07-01.1 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:  
 Nustar Pipeline complaint against Riley Brothers Construction for violation of N.D.C.C. Chapter 49-23 for failing to contact the One Call Hotline notification center and providing an excavation or location notice at least 48 hours before Riley Brothers began excavation.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY North Dakota Public Service Commission	Address 600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505	Telephone Number 701-328-2400
Representation Illona A. Jeffcoat-Sacco, Advocacy Staff Counsel	Address Same as above	Telephone Number 701-328-2407
PARTY North Dakota Public Service Commission	Address 600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505	Telephone Number 701-328-2400
Representation Annette Bendish, Staff Advisory Counsel	Address Same as above	Telephone Number 701-328-2421
PARTY Riley Brothers Construction	Address P.O. Box 535 Morris, MN 56267-4684	Telephone Number 320-589-2500
Representation Contact: Chris Riley - No attorney identified to date	Address Same as above	Telephone Number 320-589-2500

Additional Comments  
 As of yet, the Complaint has not yet been served and no Notice has been issued in this case. We will be in touch with you concerning service of the Complaint and issuance of the Notice. (Nustar Pipeline contact: Donna Patrick 7340 W. 21st N. Wichita, KS 67205 (tel. 316-721-7073))

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Illona A. Jeffcoat-Sacco, General Counsel	Date 3 May 2010
Signature of Requesting Person 	Telephone Number 701-328-2407