



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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January 29, 2014

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John Emerson  
ROBERT GIBB & SONS, INC.  
205 40TH ST SW PO BOX 10188  
FARGO, ND 58106-0188

RE: Case No. GS-13-613

Dear Mr. Emerson,

In July 2013 the Commission received a Third Party Damage Complaint against Robert Gibb & Sons, Inc. The location of the damage was at N 47.78260, W 103.56694 located at or near 25th Street and 139th Ave, Arnegard, North Dakota.

In November 2013, Commission staff proposed a Consent Order to resolve the Third Party Damage Complaint. The Consent Order specified a penalty of \$1000 that you remitted when you signed and returned the Consent Order to the Commission. The proposed Consent Order was presented to the Commission for action at its November 13, 2013 meeting.

The Commission declined to act on the Consent Order, preferring to wait until damages associated with the incident have been paid. In November you informed us that the amount of the damages had not been established and that an insurance company may be paying for a portion of the damages. You also confirmed that you would let the Commission know when the damages issue is resolved. I understand that resolution of the damages issue is still pending as of January 28, 2014.

The Commission will make a determination regarding the Third Party Damage Complaint and the Consent Order at some point in the future. While Commission reserves the right to levy a fine it deems appropriate in this matter, your \$1000 check is being returned at this time.

If you have any questions, feel free to call me at 701-328-4077 or email to [pfahn@nd.gov](mailto:pfahn@nd.gov).

Best regards

Patrick Fahm  
Director, Compliance and Competitive Markets Division

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Letter returning penalty payment