



Public Service Commission

State of North Dakota

COMMISSIONERS

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11 March 2014

Wade Mann, Director
Office of Administrative Hearings
2911 North 14th Street - Ste 303
Bismarck, ND 58503

Re: Public Service Commission v. Tom's Backhoe Service, Inc.
Damage Prevention Enforcement
GS-13-712

Dear Mr. Mann:

Enclosed is a request for an Administrative Law Judge in the captioned case. A hearing has not been scheduled yet but when a Notice of Hearing is issued I will forward it to your office.

The Administrative Law Judge will serve as a procedural law judge and 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/encl. Tom Thompson, VP - Tom's Backhoe Service, Inc.

Attachment
Request for ALJ
11 March 2014

Public Service Commission v. Tom's Backhoe Service, Inc.
Damage Prevention Enforcement
GS-13-712

AGENCY	Address	Telephone Number
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
Representation Ryan Norrell - Advocacy Staff	Address 600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	Telephone Number 701-328-2407
Illona A. Jeffcoat-Sacco PSC General Counsel (Commission Advisor)		701-328-2407
Aaron Morman PSC Advocacy Staff	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-220-5779
PARTY Tom Thompson Tom's Backhoe Service, Inc.	Address 323 Woodland Hills Ln Brainerd, MN 56401	Telephone Number 218-828-4232
Representation To be determined	Address	Telephone Number



REQUEST FOR ADMINISTRATIVE LAW JUDGE--COMPLAINT
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
 SFN 17818 (Rev. 06-2007)

Name of Agency, Board, or Commission North Dakota Public Service Commission		
Name of Respondent(s) Tom's Backhoe Service, Inc.	Address 323 Woodland Hills Ln., Brainerd, MN 56401	Telephone Number (218) 828-4232

The above named agency, board, or commission has taken administrative action pursuant to its authority found in North Dakota Century Code Chapter 49-23 _____ (North Dakota Century Code and/or North Dakota Administrative Code).

The administrative action is more fully described as follows: Hearing to determine if Tom's Backhoe Service, Inc. violated N.D.C.C. Chapter 49-23, the North Dakota One-Call Law, and if a violation is found, whether the Commission should impose a civil penalty.
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Has the respondent been provided a copy of the complaint? Yes No

Attached is a copy of the complaint, related documents and correspondence, and certificate, affidavit or admission of service. If the respondent has otherwise been notified about this administrative action, please explain in the comments section below.

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 28-32-31(5). See NDCC 54-57-04.
- 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.

Agency Contact Person(s) See attached	Telephone Number
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Representation [attorney (or other)] if known:

Agency	Telephone Number
Party	Telephone Number
Party	Telephone Number

Additional Comments A hearing has not been scheduled yet but when a Notice of Hearing is issued we will forward it to your office.

(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 3/11/2014
Signature of Requesting Person X	Telephone Number (701) 328-2407