

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Northern Excavating Co., Inc. (7-25-2013)
Damage Prevention Enforcement

Case No. PU-13-877

Public Service Commission
Northern Excavating Co., Inc. (8-2-2013)
Damage Prevention Enforcement

Case No. PU-13-878

Public Service Commission
Northern Excavating Co., Inc. (25 pair copper)
Damage Prevention Enforcement

Case No. PU-13-879

Public Service Commission
Northern Excavating Co., Inc. (144 Fiber Optic)
Damage Prevention Enforcement

Case No. PU-13-880

Public Service Commission
Northern Excavating Co., Inc. (9-17-2013)
Damage Prevention Enforcement

Case No. PU-13-881

Public Service Commission
Northern Excavating Co., Inc. (9-30-2013)
Damage Prevention Enforcement

Case No. PU-13-882

Public Service Commission
Northern Excavating Co., Inc. (75 pair 2nd time)
Damage Prevention Enforcement

Case No. PU-13-883

AFFIDAVIT OF SERVICE BY CERTIFIED & REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Kathy Acker deposes and says that:

she is over the age of 18 years and not a party to this action and, on the 19th day of **December, 2014**, she deposited in the United States Mail, at Bismarck, North Dakota, one envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Notice of Rescheduled Consolidated Hearing

The envelope was addressed as follows:

Robert L. Lindberg
Northern Excavating Co., Inc.
P O Box 1108
Jamestown, ND 58402

Cert. No. 7012 1640 0002 4650 0961

- | | | | | | | | |
|----|--|-------------------|----------|----|--|-------------------|----------|
| 26 | PU-13-883 | Filed: 12/19/2014 | Pages: 4 | 26 | PU-13-881 | Filed: 12/19/2014 | Pages: 4 |
| | Affidavit of Service, Cert. & Reg. Mail – Notice of Rescheduled Consolidated Hearing | | | | Affidavit of Service, Cert. & Reg. Mail – Notice of Rescheduled Consolidated Hearing | | |
| 26 | PU-13-882 | Filed: 12/19/2014 | Pages: 4 | 26 | PU-13-880 | Filed: 12/19/2014 | Pages: 4 |
| | Affidavit of Service, Cert. & Reg. Mail – Notice of Rescheduled Consolidated Hearing | | | | Affidavit of Service, Cert. & Reg. Mail – Notice of Rescheduled Consolidated Hearing | | |
| 26 | PU-13-882 | Filed: 12/19/2014 | Pages: 4 | 26 | PU-13-879 | Filed: 12/19/2014 | Pages: 4 |
| | Affidavit of Service, Cert. & Reg. Mail – Notice of Rescheduled Consolidated Hearing | | | | Affidavit of Service, Cert. & Reg. Mail – Notice of Rescheduled Consolidated Hearing | | |
| 26 | PU-13-882 | Filed: 12/19/2014 | Pages: 4 | 26 | PU-13-878 | Filed: 12/19/2014 | Pages: 4 |
| | Affidavit of Service, Cert. & Reg. Mail – Notice of Rescheduled Consolidated Hearing | | | | Affidavit of Service, Cert. & Reg. Mail – Notice of Rescheduled Consolidated Hearing | | |
| 26 | PU-13-882 | Filed: 12/19/2014 | Pages: 4 | 26 | PU-13-877 | Filed: 12/19/2014 | Pages: 4 |
| | Affidavit of Service, Cert. & Reg. Mail – Notice of Rescheduled Consolidated Hearing | | | | Affidavit of Service, Cert. & Reg. Mail – Notice of Rescheduled Consolidated Hearing | | |

Kathy Acker further deposes and says that on the **19th** day of **December, 2014**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes by regular mail, with postage fully prepaid, securely sealed, containing a photocopy of the same.

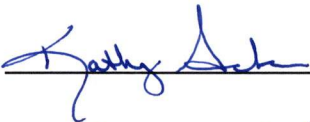
The envelopes were addressed as follows:

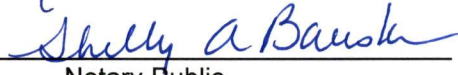
Mitchell D. Armstrong
Special Assistant Attorney General
122 East Broadway Avenue
Bismarck, ND 58502

Shane Hart
Assistant General Manager
Reservation Telephone Cooperative
PO Box 68
Parshall ND 58770-0068

Each address shown is the respective addressee's last reasonably ascertainable post office address.

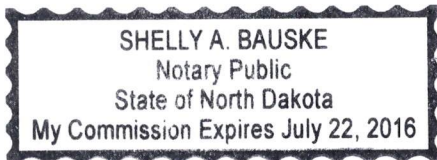
Subscribed and sworn to before me
this **19th** day of **December, 2014**.





Notary Public

SEAL



**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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NOTICE OF RESCHEDULED CONSOLIDATED HEARING

December 17, 2014

On October 29, 2014, Public Service Commission Advocacy Staff filed formal complaints alleging violations of the North Dakota One-Call Law, North Dakota Century Code Chapter 49-23 (One Call Law), and requesting the Public Service Commission find Northern Excavating Co., Inc. in violation of the One Call Law and impose a penalty of \$1000 in Case No. PU-13-877, \$1000 in Case No. PU-13-878, \$1500 in Case No. PU-13-879, \$3000 in Case No. PU-13-880, \$3000 in Case No. PU-13-881, \$3500 in Case No. PU-13-882 and \$4000 in Case No. PU-13-883.

On November 6, 2014, the Public Service Commission found the Complaints state *prima facie* cases and moved that the Complaints be served on the Respondent, Northern Excavating Co., Inc.

On October 8, 2014 the Commission issued a Notice of Hearing, consolidating the cases for hearing under North Dakota Administrative Code section 69-02-04-04, and scheduling the hearing for December 5, 2014.

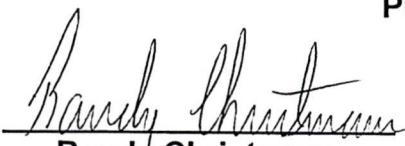
On December 3, 2014 the Commission granted the request of the Respondent and continued the hearing.

The **Public Hearing** on these matters has been continued to **February 3, 2015 at 9:00 a.m. CST** in the Commission Hearing Room, State Capitol, 12th Floor, Bismarck, North Dakota 58505. The issues to be considered are:

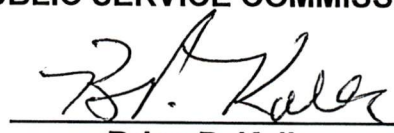
1. Has Northern Excavating Co., Inc. violated North Dakota Century Code Chapter 49-23, the North Dakota One-Call Law in any of the following cases: Case No. PU-13-877, Case No. PU-13-878, Case No. PU-13-879, Case No. PU-13-880, Case No. PU-13-881, Case No. PU-13-882, Case No. PU-13-883?
2. If a violation is found, should the Commission impose a civil penalty as requested in the complaint in the following amounts for each respective case: \$1000 in Case No. PU-13-877, \$1000 in Case No. PU-13-878, \$1500 in Case No. PU-13-879, \$3000 in Case No. PU-13-880, \$3000 in Case No. PU-13-881, \$3500 in Case No. PU-13-882, \$4000 in Case No. PU-13-883?

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400 or 877-245-6685 (toll free in North Dakota), or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission at least 24 hours in advance.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Brian P. Kalk
Chairman



Julie Fedorchak
Commissioner