

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
Public Service Commission Northern Excavating Co., Inc. (10-9-13 17:15 p.m.) Damage Prevention Enforcement	Case No. GS-13-886
Public Service Commission Northern Excavating Co., Inc. (4-fiber 2nd time) Damage Prevention Enforcement	Case No. PU-14-134
Public Service Commission Northern Excavating Co., Inc. (05-06-14 8:57 a.m.) Damage Prevention Enforcement	Case No. GS-14-229
Public Service Commission Northern Excavating Co., Inc. (5-28-14 3:30 pm) Damage Prevention Enforcement	Case No. PU-14-671
Public Service Commission Northern Excavating Co., Inc. (9-13-13 11:00 a.m.) Damage Prevention Enforcement	Case No. GS-13-884

Public Service Commission
Northern Excavating Co., Inc. (10-1-13 11:40 a.m.)
Damage Prevention Enforcement

Case No. GS-13-885

Public Service Commission
Northern Excavating Co., Inc. (04-30-14 1:45 p.m.)
Damage Prevention Enforcement

Case No. GS-14-230

AFFIDAVIT OF SERVICE BY 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 27th day of **January, 2015**, she deposited in the United States Mail, at Bismarck, North Dakota, two envelopes, fully prepaid, securely sealed and containing a photocopies of:

**Notice of Rescheduled Consolidated Hearing – PU-13-877, PU-13-878, PU-13-879, PU-13-880,
PU-13-881, PU-13-882, PU-13-883**

Notice of Consolidated Hearing – GS-13-886, PU-14-134, GS-14-229, PU-14-671

Notice of Consolidated Hearing – GS-13-884, GS-13-885, GS-14-230

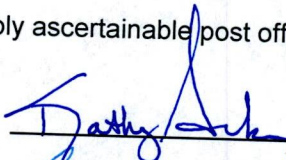
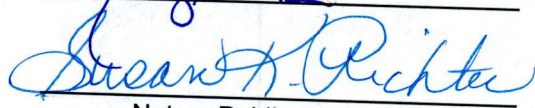
The envelopes were addressed as follows:

Robert L. Lindberg
End of 5th St NW
Jamestown, ND 58401

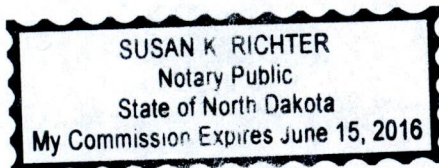
Northern Excavating Co., Inc.
3420 82nd Ave. SE
Jamestown, ND 58402-1108

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

Subscribed and sworn to before me
this 27th day of **January, 2015**.



Notary Public

SEAL



**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
Northern Excavating Co., Inc. (9-13-13 11:00 a.m.)
Damage Prevention Enforcement**

Case No. GS-13-884

**Public Service Commission
Northern Excavating Co., Inc. (10-1-13 11:40 a.m.)
Damage Prevention Enforcement**

Case No. GS-13-885

**Public Service Commission
Northern Excavating Co., Inc. (04-30-14 1:45 p.m.)
Damage Prevention Enforcement**

Case No. GS-14-230

NOTICE OF CONSOLIDATED HEARING

December 17, 2014

On October 29, 2014, Public Service Commission Advocacy Staff filed formal complaints (Complaints) alleging violations of the North Dakota One-Call law, N.D.C.C. Chapter 49-23, and requesting the Commission find Northern Excavating Co., Inc. responsible for violating the One Call law and impose a penalty of \$5000 in Case No. GS-13-884, \$5500 in Case No. GS-13-885 and \$7500 in Case No. GS-14-230.

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

Believing that there will be no prejudice to the rights of the parties or the public interest, and finding the cases involve similar questions of law and fact, the Commission will hold a consolidated hearing on the seven cases under North Dakota Administrative Code section 69-02-04-04.

A **public hearing** on these matters will be held commencing on **February 3, 2015 at 3:00 p.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 N.D.C.C. Chapter 49-23, the North Dakota One-Call law in Case No. GS-13-884, in Case No. GS-13-885, and/or in Case No. GS-14-230?
2. If a violation is found, should the Commission impose a civil penalty in the amount of \$5000 in Case No. GS-13-884, \$5500 in Case No. GS-13-885 and \$7500 in Case No. GS-14-230?

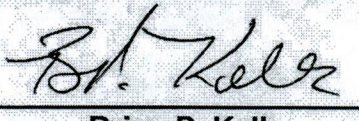
For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400 or 877-245-6685 (toll free in North

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

**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**

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Northern Excavating Co., Inc. (25 pair copper)
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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**

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

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
Northern Excavating Co., Inc. (10-9-13 17:15 p.m.)
Damage Prevention Enforcement**

Case No. GS-13-886

**Public Service Commission
Northern Excavating Co., Inc. (4-fiber 2nd time)
Damage Prevention Enforcement**

Case No. PU-14-134

**Public Service Commission
Northern Excavating Co., Inc. (05-06-14 8:57 a.m.)
Damage Prevention Enforcement**

Case No. GS-14-229

**Public Service Commission
Northern Excavating Co., Inc. (5-28-14 3:30 pm)
Damage Prevention Enforcement**

Case No. PU-14-671

NOTICE OF CONSOLIDATED HEARING

December 17, 2014

On October 29, 2014, Public Service Commission Advocacy Staff filed formal complaints (Complaints) alleging violations of the North Dakota One-Call law, N.D.C.C. Chapter 49-23, and requesting the Commission find Northern Excavating Co., Inc. responsible for violating the One Call law and impose a penalty of \$5500 in Case No. GS-13-886, \$5500 in Case No. PU-14-134, \$6500 in Case No. GS-14-229, and \$7500 in Case No. PU-14-671.

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

Believing that there will be no prejudice to the rights of the parties or the public interest, and finding the cases involve similar questions of law and fact, the Commission will hold a consolidated hearing on the seven cases under North Dakota Administrative Code section 69-02-04-04.

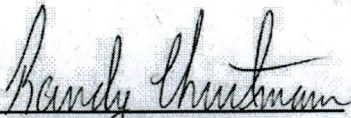
A **public hearing** on these matters will be held commencing on **February 3, 2015 at 1:00 p.m. CST** in the Commission Hearing Room, State Capitol, 12th Floor, Bismarck, North Dakota 58505. The issues to be considered are:

1. Has Northern Excavating Co., Inc. violated N.D.C.C. Chapter 49-23, the North Dakota One-Call law in Case No. GS-13-886, in Case No. PU-14-134, in Case No. GS-14-229, and/or in Case No. PU-14-671?

2. If a violation is found, should the Commission impose a civil penalty in the amount of \$5500 in Case No. GS-13-886, \$5500 in Case No. PU-14-134, \$6500 in Case No. GS-14-229, and \$7500 in Case No. PU-14-671?

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.

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