

Findings of Fact

1. Northern Excavating Co. Inc. at the time of the alleged violations was a North Dakota corporation with offices located at 3420 82nd Ave SE Jamestown, North Dakota with a mailing address of Box 1108 Jamestown, North Dakota 58402
2. As of December 18, 2014 Northern Excavating Co. Inc. has ceased all operations per the board of directors decision
3. In January 2015, Northern Excavating Co. Inc. voluntarily did not renew their Class A contractor's license.
4. In April 2015 Northern Excavating Co. Inc. was granted corporate disillusion by the ND Secretary of State.

Case No. GS-13-884: Robert Lindberg testified and provided foreman daily log reports that the one call ticket was within time period allowed. The line was mismarked by at least 33 inches. No One Call representative was present to dispute this.

Case No. GS-13-885: Robert Lindberg testified that there was an initial excavation that was completed within the one call locate time period and at this time only 1 line was located. A waterline had broken near the grain elevator and the elevator manager, KLJ engineer and Ross mayor instructed immediate repair of the line due to truck route being blocked and traffic backing up causing a hazardous traffic condition.

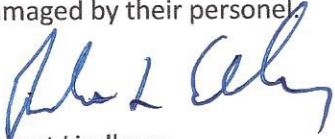
Case No. GS-14-230: Robert Lindberg testified that ticket locate was within time period allowed. Locate was improperly marked being 1 block off. No One Call representative was present to dispute this.

Case No. GS-13-886: Robert Lindberg testified that locate ticket was within time period allowed. Shannon Severson, NECI laboror was improperly identified as being an excavator operator by MDU employees. Mr. Severson was identified by NECI foreman as using a probe that damaged the MDU line. NECI employees bent and clamped line off before MDU repair team arrived.

Case No. GS-14-229: Robert Lindberg testified that area was not properly marked and when One Call was asked to mark the area, they were told it was already completed and refused to return to do it. No One Call representative was present to dispute this.

				77	GS-14-229	Filed 07/22/2015	Pages: 2
						Proposed Findings of Fact	
74	PU-14-671	Filed 07/22/2015	Pages: 2	76	GS-13-886	Filed 07/22/2015	Pages: 2
		Proposed Findings of Fact				Proposed Findings of Fact	
		Northern Excavating Co., Inc.		77	GS-13-885	Filed 07/22/2015	Pages: 2
		Rob Lindberg, President				Proposed Findings of Fact	
77	GS-14-230	Filed 07/22/2015	Pages: 2	76	GS-13-884	Filed 07/22/2015	Pages: 2
		Proposed Findings of Fact				Proposed Findings of Fact	

Case No. PU-14-671: Robert Lindberg testified that locate ticket was good. NECI excavated 3 to 4 feet from the line outside the 2 foot barrier and their trench was approximately 4 feet deep by 4 feet wide and were outside the 2 foot barrier of the safe dig zone. The cave in occurred as a result of a previous excavation of which NECI was not the contactor and had no control over. Pictures were taken at the time by Robert Lindberg which showed the lines exposed and no damage but MDU's pictures were taken after the line was cut by their repairmen and clearly showed that frayed and exposed wires were damaged by their personnel.

A handwritten signature in blue ink, appearing to read 'Robert Lindberg', written in a cursive style.

Robert Lindberg

Past President of Northern Excavating Co. Inc.