



January 20, 2015

122 E. Broadway Avenue  
Bismarck, ND 58501

P.O. Box 460  
Bismarck, ND 58502-0460  
Phone (701) 258-0630  
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**HAND-DELIVERED:**

Mr. Darrell Nitschke  
Executive Director  
North Dakota Public Service Commission  
600 East Boulevard, Dept. 408  
Bismarck, ND 58505-0480

In re: Northern Excavating, Inc.  
Damage Prevention Enforcement  
Case No: GS-13-886; PU-14-134; GS-14-229; and PU-14-671

Dear Mr. Nitschke:

Enclosed for filing, please find eleven copies of the *Complainant's Witness and Exhibit List and Request to Present Testimony via Telephone* along with copies of the exhibits intended to be offered at the February 3, 2015, hearing in the above-captioned matter.

Respectfully,

  
MITCHELL D. ARMSTRONG  
Special Assistant Attorney General for  
Public Service Commission

Sheldon A. Smith\*  
Randall J. Bakke\*\*  
Scott K. Porsborg\*\*\*  
Suzanne M. Schweigert\*  
Mitchell D. Armstrong\*\*  
Stacy M. Moldenhauer\*\*  
David J. Smith\*\*  
Shawn A. Grinolds\*\*  
Bradley N. Wiederholt\*\*  
Brian D. Schmidt\*  
Tyler J. Malm\*  
Preston J. Wise\*  
Leah R. Carlson\*

tmh  
enclosures  
cc: Shane Hart (w/ enc.) (via U.S. Mail)  
Illona Jeffcoat-Sacco (w/ enc.) (via hand-delivery)  
ALJ Rosellen Sand (w/ enc.) (via U.S. Mail)  
Robert L. Lindberg (w/ enc.) (via U.S. Mail)  
Daniel Kuntz (w/ enc.) (via U.S. Mail)  
Paul Sanderson (w/ enc.) (via U.S. Mail)  
Kelsey Krapp (w/ enc.) (via U.S. Mail)

PSC.1  
19 PU-14-671 Filed 01/20/2015 Pages: 6  
Complainant's Witness & Exhibit List & Request to Present Testimony via Telephone  
22 GS-14-229 Filed 01/20/2015 Pages: 6  
Complainant's Witness & Exhibit List & Request to Present Testimony via Telephone  
21 PU-14-134 Filed 01/20/2015 Pages: 6  
Complainant's Witness & Exhibit List & Request to Present Testimony via Telephone  
21 GS-13-886 Filed 01/20/2015 Pages: 6  
Complainant's Witness & Exhibit List & Request to Present Testimony via Telephone

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\*\* Licensed in Minnesota

\*\*\* Licensed in South Dakota

\* Board Certified Civil Trial  
Specialist by National Board  
of Trial Advocacy

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Northern Excavating Co., Inc.  
Damage Prevention Enforcement**

**Case No. GS-13-886  
Case No. PU-14-134  
Case No. GS-14-229  
Case No. PU-14-671**

<b>Public Service Commission,</b>	)
<b>Complainant,</b>	)
	)
<b>vs.</b>	)
	)
<b>Northern Excavating Co., Inc.</b>	)
<b>Respondent.</b>	)

**COMPLAINANT’S WITNESS AND EXHIBIT LIST AND REQUEST TO PRESENT**

**TESTIMONY VIA TELEPHONE**

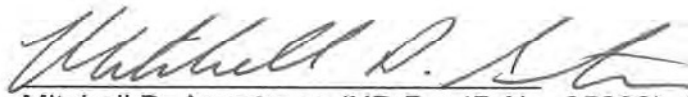
The Complainant submits this witness and exhibit list in advance of the February 3, 2015, consolidated hearing in this matter along with copies of the exhibits. Witnesses anticipated to be called at the hearing are Paul Riely (MDU); Leamon Ferrell (MDU); Dana Baxter (MDU); Craig Lohstreter (MDU); Cordell Wiest (MDU); Shane Hart (Assistant General Manager-RTC); Cassie Steele (RTC); and Victor Schock (Advocacy Staff). Complainant reserves the right to call additional witnesses as the hearing may dictate. Complainant requests the ability to present testimony of witnesses by telephone, with the Complainant ensuring all witnesses will have copies of the necessary exhibits and facilities to present testimony via telephone. The witnesses who may need to appear by phone are Leamon Ferrell and Dana Baxter. Requiring these

witnesses to appear in person may leave MDU without necessary personnel in the Northwestern part of the state on the day of the hearing.

The Complainant expects to offer into evidence and use the following exhibits for the February 3, 2015, hearing. Complainant reserves the right to offer other exhibits as the evidence may dictate.

<b>NO.</b>	<b>DESCRIPTION</b>
PSC-1	Third Party Damage Complaint (PU-14-134)
PSC-2	RTC Statement # 76112
PSC-3	Response from Northern Excavating (Dec. 18, 2013)
PSC-4	One Call Ticket 13132439
PSC-5	Map prepared by RTC regarding facility damaged in PU-14-134
PSC-6	Third Party Damage Complaint (GS-13-886)
PSC-7	Report of Damage to Company-Owned Property (10/11/13)
PSC-8	Damage Information (GS-13-886)
PSC-9	One Call Ticket 13167425
PSC-10	Northern Excavating Letter (Dec. 18, 2013)
PSC-11	Third Party Damage Complaint (GS-14-229)
PSC-12	Report of Damage to Company-Owned Property
PSC-13	Damage Information (GS-14-229)
PSC-14	One Call Ticket No. 14038256
PSC-15	Letter from PSC to Northern (May 16, 2014)
PSC-16	Northern Excavating Letter (May 23, 2014)
PSC-17	Third Party Damage Complaint (PU-14-671)
PSC-18	Report of Damage to Company-Owned Property
PSC-19	Damage Information (PU-14-671)
PSC-20	One Call Ticket No. 14048562
PSC-21	Letter to Northern from PSC (Aug. 11, 2014)

Dated this 20<sup>th</sup> day of January, 2015



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and

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**U.S. MAIL:**

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**U.S. MAIL:**

Rosellen M. Sand  
Administrative Law Judge  
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**HAND-DELIVERED:**

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Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505-0480

**U.S. MAIL:**

Robert L. Lindberg  
Northern Excavating Co.  
End of 5<sup>th</sup> St. NW  
NW City Limits Box 1108  
Jamestown, ND 58401

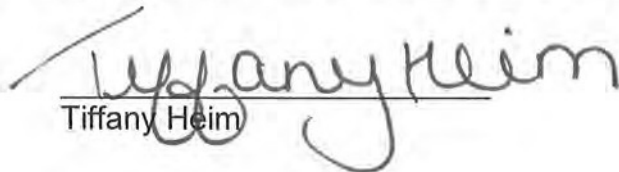
**U.S. MAIL:**

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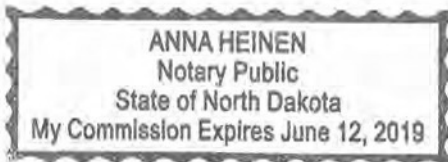
**U.S. MAIL:**

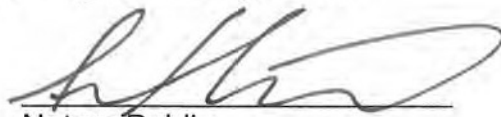
Paul Reginald Sanderson  
Kelsey A. Krapp  
Attorneys at Law  
103 South 3<sup>rd</sup> Street, Suite 5  
Bismarck, ND 58501

and depositing the same, with postage prepaid, in the United States mail at Bismarck, North Dakota

  
Tiffany Heim

Subscribed and sworn before me this 20<sup>th</sup> day of January, 2015.



  
Notary Public  
Burleigh County, North Dakota