



# Public Service Commission

## State of North Dakota

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MAY 7, 2014

Maurice Schurger  
Plote Construction ND, LLC  
P.O. Box 408  
Alexander, ND 58831

CASE GS-14-217

Re: Third Party Damage Complaint

Dear Mr. Schurger:

Enclosed is a copy of a Third Party Damage Complaint against PLOTE CONSTRUCTION ND, LLC (PLOTE), received by the North Dakota Public Service Commission (Commission) on April 14, 2014, from MONTANA DAKOTA UTILITIES (MDU). The location of the damage was at 621 E 42<sup>nd</sup> St, Street in the county of Williams in the city of Williston in North Dakota.

Please respond to the Third Party Complaint by **May 27, 2014**, with your written account of the event. Your response, the complaint, and other available information will be reviewed to determine whether Commission staff will file a formal complaint.

Your response should also address the following criteria used to determine the amount of civil penalty, if any, to be recommended by Commission staff as part of a formal complaint:

- a) The nature, circumstances, and severity of the complaint;
- b) The degree of suspected fault on the part of PLOTE;
- c) PLOTE's history of prior violations or complaints;
- d) PLOTE's ability to pay;
- e) Any good faith effort by PLOTE's in attempting to achieve compliance; and
- f) The effect the penalty may have on PLOTE's ability to continue in business.

North Dakota Century Code section 49-07-01.1 provides for a civil penalty not to exceed twenty five thousand dollars for violations of the One Call law.

Please send or e-mail written response to the Commission at the address above or call me at 701-220-5779.

Best regards,

Aaron A Morman  
Pipeline Safety Inspector/Program Manager

C. Paul Reily-MDU