



Public Service Commission  
SFN 59067 (1-14)

To allege a violation of the One-Call Excavation Notice System Law: North Dakota Century Code Chapter 49-23



**PART A – WHO IS SUBMITTING THIS COMPLAINT (COMPLAINANT)**

Company/Person Montana-Dakota Utilities Co.	Street Address 220 2nd Ave E	City Williston	State and Zip Code ND, 58801
Telephone and Cell Phone Number 701-572-1614/701-516-4357	Email Address paul.riely@mdu.com		Date 12 May 2014
<input checked="" type="checkbox"/> Complainant is willing and able to testify on the complaint if matter goes to formal hearing			

**PART B – WHO VIOLATED THE ONE-CALL REGULATIONS (RESPONDENT)**

Company/Person Northern Excavating Co., Inc	Street Address 3420 82nd Ave SE, BOX 1108	City Jamestown	State and Zip Code ND, 58102
Telephone and Cell Phone Number 701-252-5967	Email Address		

**PART C – ALLEGED VIOLATION**

Operator failed to provide or update the information provided to the notification center on a timely basis

Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation

Excavator failed to provide required information in excavation or location notice

Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation

Notification center failed to inform the excavator of the names of operators of underground facilities in the area

Operator failed to locate and mark underground facility within 48 hours

Excavation started prior to underground facility locate

Operator failed to mark underground facility within 24 inches horizontally

Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period

Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities

Excavator failed to maintain the markings during excavation

Other (identify the specific section of NDCC Chapter 49-23) NDCC Chapter 49-23-04(1)(e) Contractor dug outside of the "Extent of Work"

Location of Violation:  
196' East of 2nd Street East on Central Avenue

Date and Time of Violation:  
On or about 1:45 p.m. on 30 April 2014

Description (summarize the observations on which you rely to allege the violation) *If more space is required, please provide the description on a separate page.*

On or about the above time and date, Jody Mitteider operator for the above named company was digging on Central Avenue in Ross, ND under locate ticket 14030557. The contractor was digging outside the extent of work description as detailed on the locate request which read, "Excavation site is on an unknown side of the road. Locate 2nd Street East from Central Avenue North to the Railroad tracks." The impact occurred 196' East of the located road.

**PART D – DAMAGE**

Fatalities 0	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: Caused shutdown of Laundromat and one other commercial customer.		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ 1065.22	Number of Customers Affected 2	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

**PART I – SIGNATURE**

Signature of Person Filing Complaint 	Date 5/12/2014
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Send Completed, Original Complaint To:  
Public Service Commission  
600 E Boulevard Ave Dept 408  
Bismarck ND 58505-0480  
Telephone: (701) 328-2400