



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

April 10, 2015

Stutsman County Law Enforcement Center  
205 6th St SE  
Jamestown, ND 58401  
Attn: April

Dear April,

By way of this letter we are asking the Stutsman County Law Enforcement Center to serve the enclosed documents on Robert L. Lindberg. Please serve the two documents enumerated below on Mr. Lindberg as soon as possible, but no later than May 8, 2015.

**Notice of Rescheduled Consolidated Hearing – GS-13-884, GS-13-885, GS-14-230**  
**Notice of Rescheduled Consolidated Hearing – GS-13-886, GS-14-229, PU-14-671**

The Secretary of State lists the physical address as:

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

Commission records show the company address is:

Northern Excavating Co., Inc.  
3420 82<sup>nd</sup> Ave SE  
Jamestown, ND 58402-1108  
701-252-5967

We have enclosed a duplicate copy of the documents for your records as well as a check for \$30.00 made out to the Stutsman County Law Enforcement Center for service of the documents.

If you have any questions, please feel free to contact me at 701-328-4077.

Best regards,

Patrick Fahn  
Compliance and Competitive Markets

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

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Amy Haugen** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **10th day of April, 2015**, she deposited in the United States Mail, at Bismarck, North Dakota, by regular mail, with postage fully prepaid, securely sealed and containing a photocopy of:

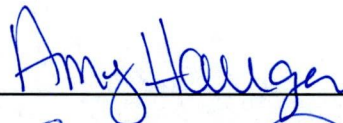

**Notice of Rescheduled Consolidated Hearing**

The envelope was addressed as follows:

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

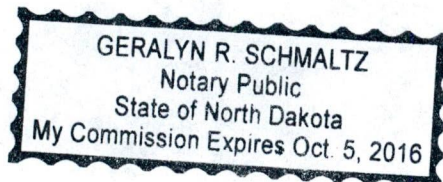
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **10th day of April, 2015**.

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Notary Public

SEAL

Affidavit of Service  
April 10, 2015  
Page 1 of 1



**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 RESCHEDULED CONSOLIDATED HEARING**

**April 8, 2015**

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 \$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 found the Complaints state *prima facie* cases and moved the Complaints be served on the Respondent, Northern Excavating Co., Inc.

On December 17, 2014, the Commission issued a Notice of Hearing, consolidating cases GS-13-884, GS-13-885, and GS-14-230 for hearing under North Dakota Administrative Code section 69-02-04-04, and scheduled the hearing for February 3, 2015 at 3:00 p.m.

On February 3, 2015, with the consent of the parties, the Administrative Law Judge continued the hearing on the captioned three cases.

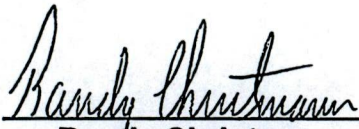
The **Public Hearing** on these matters has been continued to **June 30, 2015 at 8:30 a.m. CST** in the Commission Hearing Room, State Capitol, 12th Floor, Bismarck, North Dakota 58505. The issues to be considered are:


1. Has Northern Excavating Co., Inc. violated North Dakota Century Code Chapter 49-23, the North Dakota One-Call Law in Case No. GS-13-884, Case No. GS-13-885, and/or Case No. GS-14-230?
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:

\$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

  
\_\_\_\_\_  
**Julie Fedorchak**  
Chairman

  
\_\_\_\_\_  
**Brian Kalk**  
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. (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

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Amy Haugen** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **10th day of April, 2015**, she deposited in the United States Mail, at Bismarck, North Dakota, by regular mail, with postage fully prepaid, securely sealed and containing a photocopy of:

**Notice of Rescheduled Consolidated Hearing**

The envelope was addressed as follows:

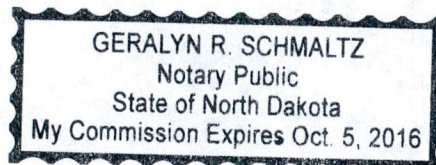
Robert L. Lindberg  
End of 5<sup>th</sup> Street NW  
NW City Limits Box 1108  
Jamestown, ND 58401

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

Subscribed and sworn to before me  
this **10th day of April, 2015**.

Amy Haugen  
Gerald R. Schmaltz  
Notary Public

SEAL



Affidavit of Service  
April 10, 2015  
Page 1 of 1

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Northern Excavating Co., Inc. (10-9-13 17:15 p.m.)  
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**Case No. GS-13-886**

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**Public Service Commission  
Northern Excavating Co., Inc. (5-28-14 3:30 p.m.)  
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**NOTICE OF RESCHEDULED CONSOLIDATED HEARING**

**April 8, 2015**

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 \$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 found the Complaints state *prima facie* cases and moved the Complaints be served on the Respondent, Northern Excavating Co., Inc.

On December 17, 2014, the Commission issued a Notice of Hearing, consolidating cases GS-13-886, PU-14-134, GS-14-229 and PU-14-671 for hearing under North Dakota Administrative Code section 69-02-04-04, and scheduled the hearing for February 3, 2015 at 1:00 p.m.

On February 3, 2015, with the consent of the parties, the Administrative Law Judge separated PU-14-134 from the consolidated cases, and it was heard February 3, 2015. The Commission continued the remaining three cases, GS-13-886, GS-14-229 and PU-14-671.

The **Public Hearing** on the captioned three cases has been continued to **June 30, 2015 at 8:30 a.m. CST, following the commencement of consolidated cases GS-13-884, GS-13-885, and GS-14-230** located in the Commission Hearing Room, State Capitol, 12th Floor, Bismarck, North Dakota 58505. The issues to be considered are:

**24 GS-14-229** Filed: 4/8/2015 Pages: 2  
Notice of Rescheduled Consolidated Hearing




**21 PU-14-671** Filed: 4/8/2015 Pages: 2  
Notice of Rescheduled Consolidated Hearing

**23 GS-13-886** Filed: 4/8/2015 Pages: 2  
Notice of Rescheduled Consolidated Hearing

1. Has Northern Excavating Co., Inc. violated North Dakota Century Code Chapter 49-23, the North Dakota One-Call Law in Case No. GS-13-886, Case No. GS-14-229, and/or Case No. PU-14-671?
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: \$5500 in Case No. GS-13-886, \$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.

**PUBLIC SERVICE COMMISSION**

		
<b>Randy Christmann</b> Commissioner	<b>Julie Fedorchak</b> Chairman	<b>Brian Kalk</b> Commissioner