

# Memorandum

To: Commissioners Kalk, Christmann and Fedorchak

From: Victor Schock, Public Utility Analyst

Date: December 9, 2014

Re: ND One-Call Complaint  
Case No. GS-14-242

On May 13, 2014, a ND One-Call Complaint was received from Larry Novak alleging that Diamond Resources violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to remove the locate flags after completing excavation.

Staff investigation found that between March 26, 2014 and May 12, 2014 seven separate excavators called in locate requests for the parcel of land referenced in the complaint and Diamond Resources (named respondent) isn't an excavator. Larry Novak is not able to identify which of the seven excavators failed to remove the flags. At this time there is not sufficient evidence in this complaint to show which excavator failed to remove the flags.

Staff recommends that no further action be taken and the case be closed.

(note) Incidentally, Diamond Resources voluntarily removed the flags from Larry Novak's property.