



Public Service Commission

State of North Dakota

COMMISSIONERS

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Randy Christmann
Julie Fedorchak

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September 23, 2014

Daniel Comte
Knife River Corporation
5654 134th Ave NW
Williston, ND 58801

Dear Mr. Comte:

Enclosed is a copy of a Third Party Damage Complaint (Complaint) against Knife River Corporation, received by the North Dakota Public Service Commission (Commission) on September 12, 2014, from Dennis Biederstedt at Montana Dakota Utilities. The location of damage identified in the complaint 37th St W Harvest Hills Addition, Williston, ND.

Please respond to Darrell Nitschke, Executive Secretary, North Dakota Public Service Commission, by **October 7, 2014**, with your written account of the event, including the applicable One Call locate ticket number(s) for work performed at the address indicated. 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 Knife River Corporation;
- c) Knife River Corporation's history of prior violations or complaints;
- d) Knife River Corporation's ability to pay;
- e) Any good faith effort by Knife River Corporation, in attempting to achieve compliance; and
- f) The effect the penalty may have on Knife River Corporation'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 each violation of the One Call law.

Please contact me at 701-328-3397 or at vschock@nd.gov with any questions regarding this correspondence.

Sincerely,

Victor Schock
Public Utilities Division

Enc: Third Party Damage Complaint
c: Dennis Biederstedt, Montana Dakota Utilities

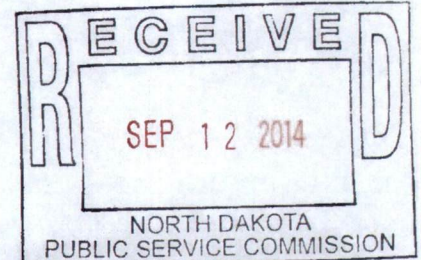
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PU-14-714 Filed: 9/23/2014 Pages: 4
Letter enclosing North Dakota One-Call Complaint



THIRD PARTY DAMAGE COMPLAINT

Public Service Commission
SFN 59067 (11-12)



PART A - WHO IS SUBMITTING THIS COMPLAINT

Information Being Submitted By <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Company*	Company/Organization Montana Dakota Utilities	Person Filing Information Dennis Biederstedt	Position District Electric Superintendent
Address of Person Filing Information 121 8th Ave W	City Williston	State ND	Zip Code 58801
Telephone Number 701.572.1601	Email Address dennis.biederstedt@mdu.com	Date 9-8-14	

PART B - WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

Name of Excavator	Telephone Number		
Address	City	State	Zip Code
Name of Entity for Which Excavation Was Performed Knife River Corporation	Telephone Number 701.774.2066		
Address 5654 134th Ave NW	City Williston	State ND	Zip Code 58801

PART C - TIME AND LOCATION OF THE EVENT

Date and Time of Event 8.28.14 - 6:00pm	Address of the Excavation and/or Damage 37th St W Harvest Hills Addition		
County Williams	City Williston	State ND	Zip Code 58801

PART D - FACILITY INVOLVED

Type of Facility Involved Electric Distribution System	Operator of Facility and Contact Person (if known) Montana Dakota Utilities		
Address 121 8th Ave W	City Williston	State ND	Zip Code 58801
Telephone Number 701.572.1601	Email Address (if known) dennis.biederstedt@mdu.com		
Brief Description of Facility Involved Electric distribution cable carrying 7200/12470 volts			

PART E – DAMAGE (if applicable)

Fatalities None	Injuries None	Length of Hospitalization, If Applicable
Estimated Value of Property Damage: \$		Number of Customers Affected
Damaged Within <input type="checkbox"/> Public Property <input checked="" type="checkbox"/> Private Property		Photos of Damaged Facility <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please include copies)

PART F – EXCAVATION

Was a locate requested from North Dakota One-Call?		Start Date on Ticket
<input type="checkbox"/> Yes Locate Ticket Number <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown		
Did excavator wait until the start date/time on the ticket before commencing excavation?		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input checked="" type="checkbox"/> N/A		
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A		

PART G – MARKING

Were facilities marked?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
Were utility/facility marks visible in the area of excavation?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
Were the utility/facilities marked correctly?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
Was the marking complete prior to the start time on the ticket?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input checked="" type="checkbox"/> N/A
Did the excavator pre-mark with white paint?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input checked="" type="checkbox"/> N/A
Was the facility marked accurately within 24 inches horizontally?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
Did the excavator use reasonable care to maintain locate marks for the life of project?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input checked="" type="checkbox"/> N/A

PART H – DESCRIPTION OF EVENT

Description of Event Excavator was digging water shut -offs. There were locates in the area and the facilities were not exposed in a no-invasive manner or by hand. It was determined later that digging was being done with out a locate ticket and the locates that were present were not from excavation contractor. Excavator damaged primary electric facilities causing an outage
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Description of Event Continued

PART I – SIGNATURE

Signature of Person Filing Complaint	Date
Dennis Biederstedt MDU District Electric Superintendent	9-8-14

Please include additional documents and photos, if applicable.

***If you are filing on behalf of a company, please provide information supporting your authority to file this complaint.**

Send Completed, Original Complaint To:
Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck ND 58505-0480
Telephone: (701) 328-2400

Email to the Commission