



Public Service Commission

State of North Dakota

COMMISSIONERS

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

September 24, 2014

Joseph Louwagie
Aqua Lawn & Landscape, Inc.
2208 Ann St
West Fargo, ND 58078-3948

Re: One-Call Excavation Notice System: North Dakota Century Code Chapter 49-23

Dear Mr. Louwagie:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Aqua Lawn & Landscape, Inc., received by the North Dakota Public Service Commission on September 23, 2014, from Lisa Kallberg, at Xcel Energy, of St Paul, MN, Case Number GS-14-724. The location of the damage identified in the complaint is approximately 3342 1st St East, West Fargo, ND.

I am sending you this information so that you are aware of the Complaint and have an opportunity to present any information you may have to assist us in processing this case. **Please respond to Darrell Nitschke, Executive Secretary, North Dakota Public Service Commission, by October 8, 2014**, with your written account of the event, including the applicable One Call locate ticket number for work performed at the address indicated.

I will review your response, the ND One-Call Complaint, and other available information to determine the next step in this matter. If I conclude there was a violation of the One Call law, I may file a formal complaint with the Commission. If I decide to proceed with a formal complaint, I will attempt to contact you in advance.

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

Sincerely,

Victor Schock
Compliance and Competitive Markets Division

Enc: ND One-Call Complaint with attachments
c: Lisa Kallberg with attachments



ND ONE-CALL COMPLAINT

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 Xcel Energy - Lisa Kallberg	Street Address 825 Rice St	City St Paul	State and Zip Code MN 55117
Telephone and Cell Phone Number 651-229-2282	Email Address elisabeth.m.kallberg@xcelenergy.com		Date September 16, 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 Aqua Lawn	Street Address	City Fargo	State and Zip Code ND 58103
Telephone and Cell Phone Number 701-388-3229	Email Address		

PART C – ALLEGED VIOLATION

<input type="checkbox"/> Operator failed to provide or update the information provided to the notification center on a timely basis <input checked="" type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation <input type="checkbox"/> Excavator failed to provide required information in excavation or location notice <input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation <input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area <input type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours <input type="checkbox"/> Excavation started prior to underground facility locate <input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally <input type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period <input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities <input type="checkbox"/> Excavator failed to maintain the markings during excavation <input type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____
Location of Violation: 3342 1st Street East, West Fargo
Date and Time of Violation: July 24, 2014
Description (summarize the observations on which you rely to allege the violation) <i>If more space is required, please provide the description on a separate page.</i> Aqua Lawn was installing a sprinkler system when they damaged an accurately marked gas service. The contractor was did not have a ticket to perform this work. Aqua Lawn was digging off of Signature Landscapes ticket (14111634).

PART D – DAMAGE

Fatalities 0	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: Xcel Energy natural gas service line		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$815.29	Number of Customers Affected 1	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Lisa Kallberg	Date September 16, 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

W.O.1202238403 B03



Damage Investigation Form

Damage Date:	<u>7/24/2014</u>	Date Notified:	<u>7/24/2014</u>	Date Investigated:	<u>7/24/2014</u>
Address:	<u>3342 1st St E</u>	City:	<u>West Fargo</u>	Notified by:	<u>Xcel Energy</u>
Excavator:	<u>Aqua Lawn</u>	Ticket #:	<u>N/A</u>	Damage Ticket:	<u>N/A</u>
Locator:	<u>N/A</u>	Locate Date:	<u>N/A</u>	Work Type:	<u>Sprinkler System</u>
Facility Damaged:	<u>5/8" Gas Service</u>	Equipment Used:	<u>Trencher</u>		

Description of site and facility indicators:	<u>This is a new home. Some of the marks were still visible.</u>
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Utility representative on-site?	<u>N</u>	Y/N	Contractor on-site?	<u>N</u>	Y/N
Name of representative:	_____		Contractor Name:	_____	

Cause of damage and circumstances:
Aqua Lawn was installing a sprinkler system when they damaged an accurately marked gas service. The contractor was did not have a ticket to perform this work. Aqua Lawn was digging off of Signature Landscapes ticket (14111634).

What was the excavators determination on liability and why?	_____
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Recommendation of Liability:	<u>Aqua Lawn</u>
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Investigator:	<u>Charley Wang</u>	Date:	<u>7/24/2014</u>
Supervisor:	_____	Date:	_____
Managers Concurrence:	<u>Jason Ponciano</u>	Date:	<u>07/27/2014</u>

Specific Locate Information

Mark all that apply (X)

<input checked="" type="checkbox"/>	The line was marked accurately. <i>Within tolerance by Inches</i> _____	*End Of Questions
<input type="checkbox"/>	The damaged facility is abandoned. *End of Questions*	
<input checked="" type="checkbox"/>	Contractor did not have a valid ticket. Or outside of their "Dig Area". *End of Questions	
The line should have been marked, but was unmarked.		
<input checked="" type="checkbox"/>	The marks were destroyed by: Excavation <input checked="" type="checkbox"/> Weather <input type="checkbox"/> Other <input type="checkbox"/>	
<input checked="" type="checkbox"/>	The line was unmarked but previously located.	
<input type="checkbox"/>	The excavation was out of the dig area.	
<input type="checkbox"/>	The dig area was established by a verbal exchange.	
<input type="checkbox"/>	If so, is the dig area well documented? Yes <input type="checkbox"/> No <input type="checkbox"/>	
<input type="checkbox"/>	The unmarked facility was on provided maps? Yes <input type="checkbox"/> No <input type="checkbox"/>	
<input type="checkbox"/>	The excavator knew there were unmarked lines.	
Did the contractor have any of the utilities exposed? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
The line should have been marked, but was mismarked.		
<input type="checkbox"/>	The damage occurred on a project.	
<input checked="" type="checkbox"/>	The cutting edge was within 24" of the damaged line.	
<input type="checkbox"/>	Was the tracer wire present with the facility? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
<input checked="" type="checkbox"/>	Pictures of the damage were taken. <input checked="" type="checkbox"/> Locate Pictures or Sketch Available.	
<input checked="" type="checkbox"/>	There was a visual indicator of the facility from the dig area.	
<input type="checkbox"/>	20' _____ Distance to visual indicator?	
<input type="checkbox"/>	_____ How far was the closest remaining mark to the damage?	

