



# 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 MBC Corp	Street Address 4050 Grandview Drive Ste 101	City Grand Forks	State and Zip Code ND 580201-7512
Telephone and Cell Phone Number 701-740-6881	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: 416 South 4th Street, Grand Forks, ND
Date and Time of Violation: June 23, 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>  M B C Corp was digging a basement when they damaged a natural gas service line. The contractor did not have a valid North Dakota One Call ticket to perform this work.

## 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): \$ \$382.45	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.1200499103 B03



# Damage Investigation Form

Damage Date:	<u>6/23/2014</u>	Date Notified:	<u>6/23/2014</u>	Date Investigated:	<u>6/23/2014</u>
Address:	<u>416 S 4th St</u>	City:	<u>Grand Forks</u>	Notified by:	<u>Xcel Energy</u>
Excavator:	<u>M B C Corp</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>Foundation</u>
Facility Damaged:	<u>Gas Service</u>	Equipment Used:	<u>Backhoe</u>		

Description of site and facility indicators: This is an existing house. The damaged area is dirt and no indicators in the dig area.

Utility representative on-site?	<u>N</u>	Y/N	Contractor on-site?	<u>Y</u>	Y/N
Name of representative:	<u></u>		Contractor Name:	<u></u>	

**Cause of damage and circumstances:**

M B C Corp was digging a basement when they damaged a gas service. The contractor did not have a valid North Dakota One Call ticket to perform this work.

What was the excavators determination on liability and why?

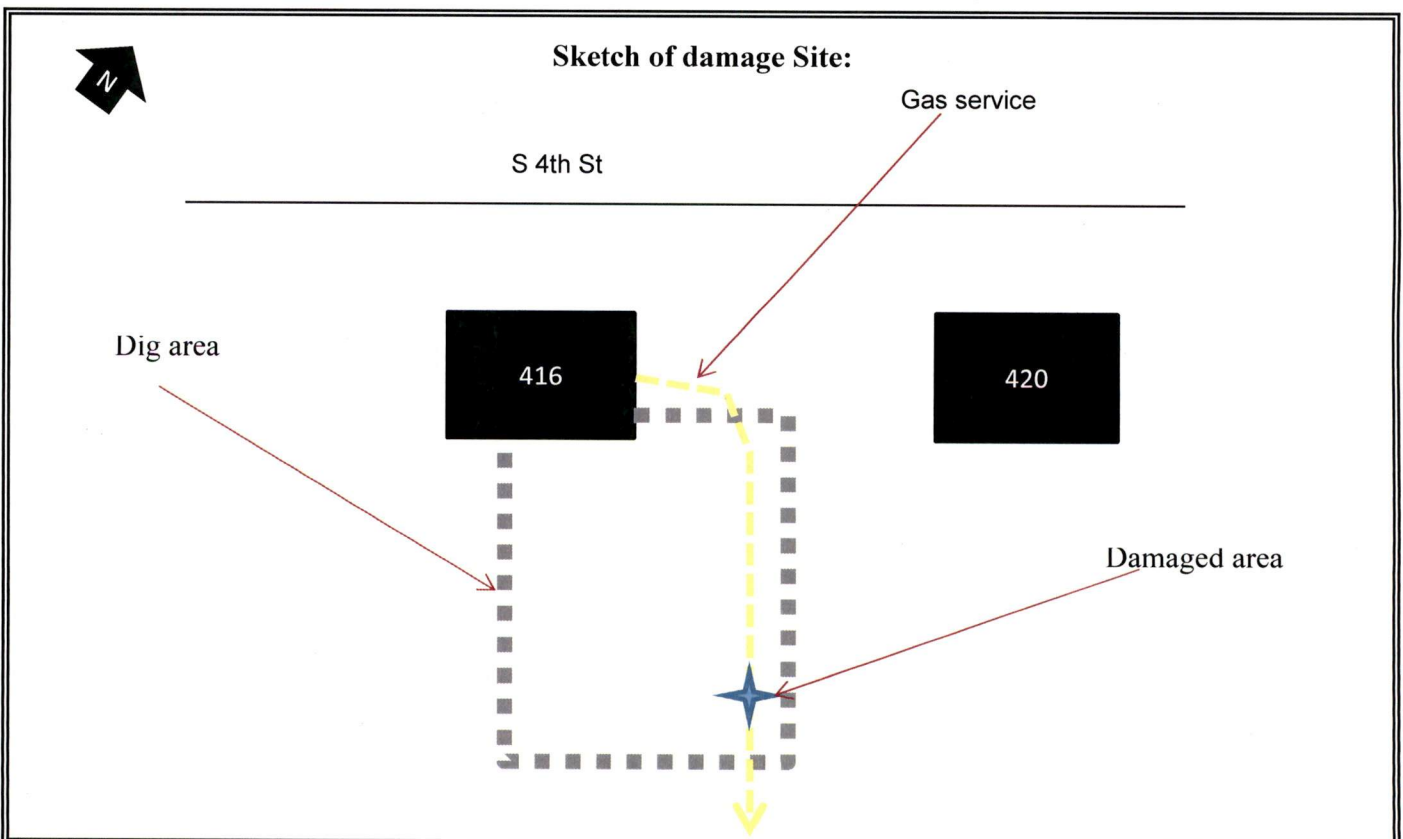
Recommendation of Liability: M B C Corp

Investigator:	<u>Zach Myers</u>	Date:	<u>6/23/2014</u>
Supervisor:	<u></u>	Date:	<u></u>
Managers Concurrence:	<u>Jason Ponciano</u>	Date:	<u>06/29/2014</u>

## Specific Locate Information

Mark all that apply (X)

<input 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	
<input type="checkbox"/>	<b>The line should have been marked, but was unmarked.</b>	
<input type="checkbox"/>	The marks were destroyed by:      Excavation      ___      Weather      ___      Other      ___	
<input 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      ___      No      ___	
<input type="checkbox"/>	The unmarked facility was on provided maps?      Yes <u>X</u> No      ___	
<input checked="" type="checkbox"/>	The excavator knew there were unmarked lines.	
<input type="checkbox"/>	Did the contractor have any of the utilities exposed?      Yes      ___      No <u>X</u>	
<input type="checkbox"/>	<b>The line should have been marked, but was mismarked.</b>	
<input type="checkbox"/>	The damage occurred on a project.	
<input type="checkbox"/>	The cutting edge was within 24" of the damaged line.	
<input type="checkbox"/>	Was the tracer wire present with the facility?      Yes <u>X</u> No      ___	
<input checked="" type="checkbox"/>	Pictures of the damage were taken.      ___      Locate Pictures or Sketch Available.	
<input type="checkbox"/>	There was a visual indicator of the facility from the dig area.	
<input type="checkbox"/>	Distance to visual indicator?	
<input type="checkbox"/>	How far was the closest remaining mark to the damage?	



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