



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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September 24, 2014

Dave Maszk  
MBC Corp.  
4050 Grandview Dr, Suite 101  
Grand Forks, ND 58201-7215

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

Dear Mr. Maszk:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against MBC Corp., 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-14-725. The location of the damage identified in the complaint is approximately 416 South 4<sup>th</sup> St, Grand Forks, 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](mailto: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 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? N Y/N Contractor on-site? Y Y/N

Name of representative: \_\_\_\_\_ Contractor Name: \_\_\_\_\_

### 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

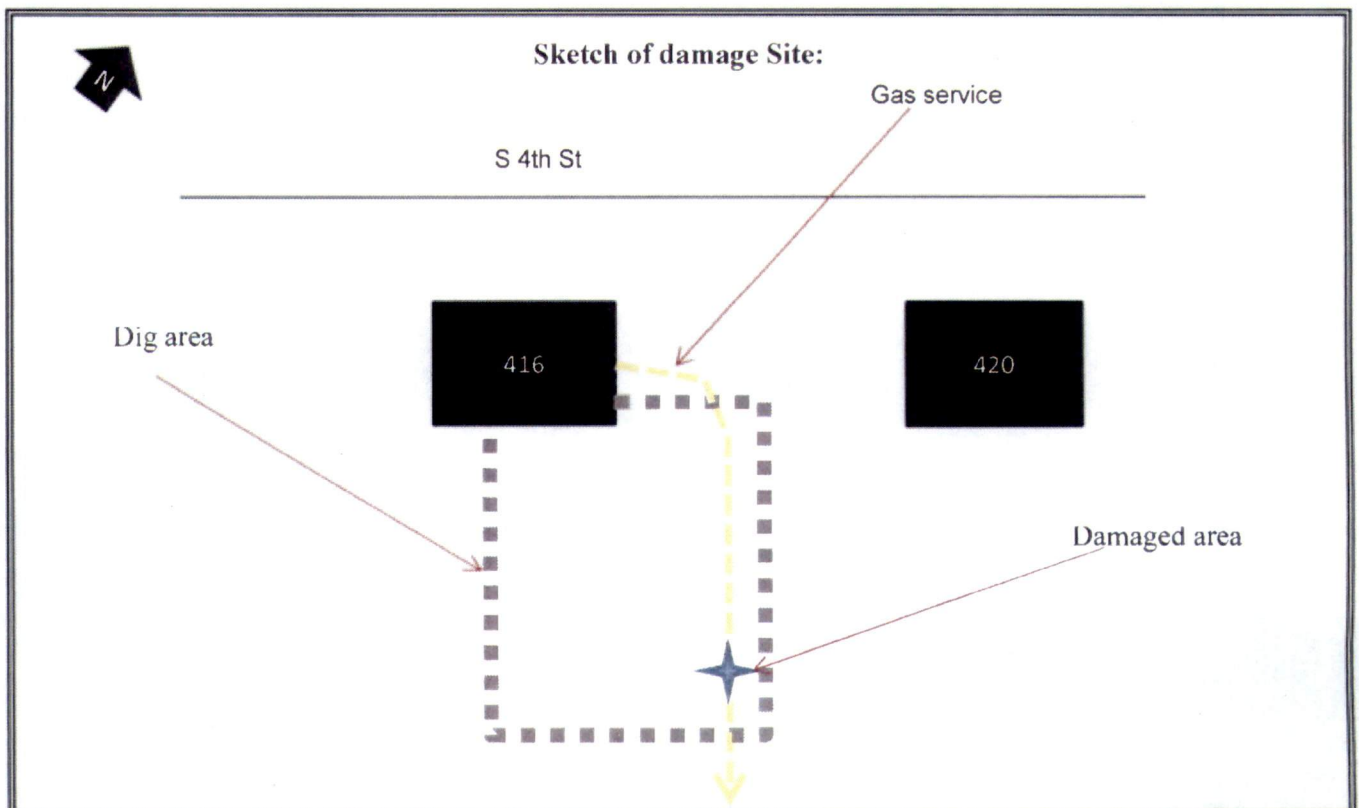
Investigator:	<u>Zach Myers</u>	Date:	<u>6/23/2014</u>
Supervisor:	_____	Date:	_____
Managers Concurrence:	<u>Jason Ponciano</u>	Date:	<u>06/29/2014</u>

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## 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"/>	The line should have been marked, but was unmarked.	
<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 <input checked="" type="checkbox"/> 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 <input checked="" type="checkbox"/>	
<input type="checkbox"/>	The line should have been marked, but was mismarked.	
<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 <input checked="" type="checkbox"/> 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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