



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian P. Kalk

Executive Secretary
Darrell Nitschke

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

19 November 2015

Wade Mann, Director
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, ND 58503

Re: Public Service Commission v.
Wagner Construction, Inc.
Damage Prevention Enforcement

Case No. PU-14-757

Public Service Commission v.
Wagner Construction, Inc. (Maintain Markings)
Damage Prevention Enforcement

Case No. PU-14-760

Dear Mr. Mann:

Enclosed are two requests for an Administrative Law Judge for the two captioned cases. The cases are in the early stages and a Notice(s) of Hearing have not yet been issued. When Notice(s) are issued we will forward the Notice(s) to your office. We anticipate that these cases will be consolidated for hearing.

The Administrative Law Judge will serve as a procedural law judge. If you have any questions, please contact me. Thank you.

Best regards,

Illona A. Jeffcoat-Sacco
General Counsel

enclosures

c: w/encl. Mike Brewinski, Sr. Project Manager, Wagner Construction, Inc.

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Request for Administrative Law Judge
Public Service Commission

8 PU-14-757 Filed 11/19/2015 Pages: 3
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REQUEST FOR ADMINISTRATIVE LAW JUDGE--COMPLAINT

NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS

SFN 17818 (Rev. 06-2007)

Name of Agency, Board, or Commission North Dakota Public Service Commission		
Name of Respondent(s) Wagner Construction, Inc.	Address 3151 Hwy 53, International Falls, MN 56649	Telephone Number (218) 283-3700

The above named agency, board, or commission has taken administrative action pursuant to its authority found in North Dakota Century Code Chapter 49-23 (North Dakota Century Code and/or North Dakota Administrative Code).

The administrative action is more fully described as follows: Hearing to determine if Wagner Construction, Inc. violated N.D.C.C. Chapter 49-23, the North Dakota One-Call Law, and if a violation is found, should the Commission impose a civil penalty.
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Has the respondent been provided a copy of the complaint? Yes No

Attached is a copy of the complaint, related documents and correspondence, and certificate, affidavit or admission of service. If the respondent has otherwise been notified about this administrative action, please explain in the comments section below.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 28-32-31(5). See NDCC 54-57-04.
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

Agency Contact Person(s) Illona A. Jeffcoat-Sacco, PSC General Counsel (advisory counsel)	Telephone Number (701) 328-2407
Representation [attorney (or other)] if known:	
Agency John M. Schuh, PSC Advocacy Counsel	Telephone Number (701) 328-2421
Party Mike Brewinski, Senior Project Manager, Wagner Construction	Telephone Number (218) 283-3700
Party	Telephone Number

Additional Comments PU-14-757
When a Notice is issued we will forward it to your office. We anticipate a consolidation of hearing with Case No. PU-14-760

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Illona A. Jeffcoat-Sacco, General Counsel	Date 11/19/2015
Signature of Requesting Person X	Telephone Number (701) 328-2407



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