

# North Dakota One-Call, Inc.

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Mr. Brian P. Kalk  
North Dakota Public Service Commission  
600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0408



Commissioner Kalk,

Thank you for taking the time to meet on September 8<sup>th</sup> to discuss your letter of July 1, 2015 related to Outstanding Balance Complaints. As Mark Dougherty, Ryan Schmaltz and I pointed out our main concern is not the collection of non-payment of utility locate services.

The North Dakota One Call Boards concerns center around the requirements of North Dakota Century Code 49-23-03 paragraph 2. Paragraph 2 states. "An excavator licensed under this chapter shall participate in and share in the costs of a statewide notification center on a per call basis. An operator, installing the operator's own facilities, may not be charge as an excavator". Should the excavator not pay for the services he is in non-compliance of the North Dakota Century Code and we believe a complaint should be filed and action taken by the Commission to address the violation.

The North Dakota One Call Board is concerned that should this become a trend of non-payment of use of the state wide system others may also take the position of non-payment and funds needed to operate the system could be reduced. No action could lead others to believe that nothing will happen if the excavator chooses to ignore the law's requirements.

I hope this helps to clarify the Boards position. We look forward to additional discussion related to this issue. It has been a pleasure working with the Commission and Staff to insure the safety and well-being of those you live and work in North Dakota around underground utilities.

Sincerely,

Donald E Frye  
N.D. One Call Chair

Cc: N.D. One Call Board Members