

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Phoenix Construction
Damage Prevention Enforcement

Case No. PU-15-166

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **19th day of August, 2016**, she deposited in the United States Mail, at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing photocopy of:

- **Notice Of Hearing**


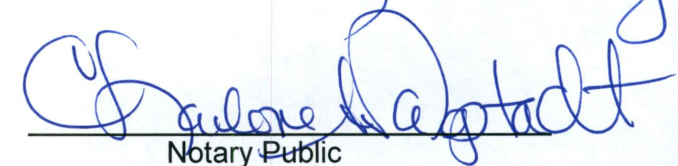
The envelopes were addressed as follows:

Doug Unruh
Phoenix Construction
PO Box 1871
Bismarck, ND 58501
Cert. No. 7016 0600 0000 4633 7591

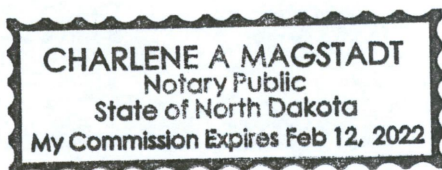
Keith Demke
City of Bismarck Public Works
PO Box 5503
Bismarck, ND 58506-5503
Cert. No. 7016 0600 0000 4633 7607

The addresses shown are the respective addressee's last reasonably ascertainable mailing address.

Subscribed and sworn to before me
this **19th day of August, 2016**.



Notary Public

SEAL



**STATE OF NORTH DAKOTA
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NOTICE OF HEARING

August 17, 2016

On April 24, 2015 the City of Bismarck Public Works filed a Third Party Damage Complaint alleging a violation of North Dakota Century Code Chapter 49-23 by Phoenix Construction (Phoenix).

On April 28, 2015 Public Service Commission Staff mailed a letter to Phoenix enclosing a copy of the North Dakota One Call Complaint and asking for a response to the Complaint.

On March 1, 2016, Public Service Commission Advocacy Staff filed a formal complaint (Complaint) alleging a violation of the North Dakota One-Call law, North Dakota Century Code Chapter 49-23.

On March 9, 2016 the Public Service Commission found the Complaint states a prima facie case and directed that the Complaint be served on the Respondent, Phoenix Construction.

On March 21, 2016 the Complaint was served on the Respondent, Phoenix Construction.

On March 28, 2016 Phoenix filed an Answer to the Complaint.

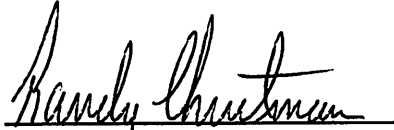
A **public hearing** on this matter will be held on **October 18, 2016 at 8:30 AM CDT** in the Commission Hearing Room, State Capitol, 12th Floor, Bismarck, North Dakota 58505. The issues to be considered are:

1. Whether Phoenix Construction violated N.D.C.C. Chapter 49-23.
2. If a violation is found, whether the Commission should impose a civil penalty, and if so, in what amount.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400 or 877-245-6685 (toll free in North Dakota), or Relay North Dakota 1-800-366-6888 TTY.

If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission at least 24 hours in advance.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Julie Fedorchak
Chairman


Brian P. Kalk
Commissioner