



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

September 13, 2016

Burleigh County Sheriff's Department
c/o Civil Process
PO BOX 1416
Bismarck, ND 58502

To Whom It May Concern,

By way of this letter we are asking the Burleigh County Sheriff's Department to serve the enclosed Documents on Douglas D Unruh. He must receive these documents before September 28, 2016. The address we have on file, as shown on the Secretary of State website, is as follows:

Douglas D Unruh
PO BOX 1871
Bismarck, ND 58502-1871

The company address we have on file is:

Phoenix Construction
3615 Saratoga Ave
Bismarck, ND 58503

We have enclosed a duplicate copy of the filing for your own records as well as a check for \$35.00 made out to the Burleigh County Sheriff's Department.

If you have any questions, please feel free to contact me at the number listed below.

Best regards,

Victor Schock
701-328-3397
vschock@nd.gov

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

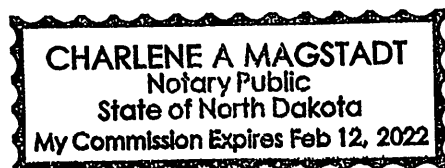
Keith Demke
City of Bismarck Public Works
PO Box 5503
Bismarck, ND 58506-5503
Cert. No. 7016 0600 0000 4633 7607

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
PUBLIC SERVICE COMMISSION**

**Public Service Commission
Phoenix Construction
Damage Prevention Enforcement**

Case No. PU-15-166

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.

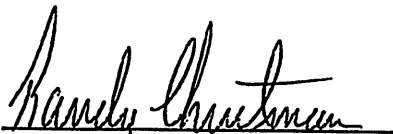
A **public hearing** on this matter will be held on **October 18, 2016 at 8:30 AM CDT** in the Commission Hearing Room, State Capitol, 12th Floor, Bismarck, North Dakota 58505. The issues to be considered are:

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

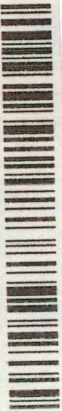


Brian P. Kalk
Commissioner

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Doug Uhruh
 Phoenix Construction
 PO Box 1871
 Bismarck, ND 58501
 Cert. No. 7016 0600 0000 4633 7591
 PU-15-166



9590 9402 1906 6104 9452 16

2. Article Number (Transfer from service label)
 Cert. No. 7016 0600 0000 4633 7591

PS Form 3811, July 2015 PSN 7530-02-000-9053

PU-15-166
COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addresssee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

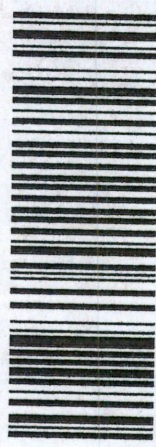
3. Service Type
- Adult Signature Restricted Delivery
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, SOLD AT DOTTED LINE

7015-1166

CERTIFIED MAIL®



7016 0600 0000 4633 759J



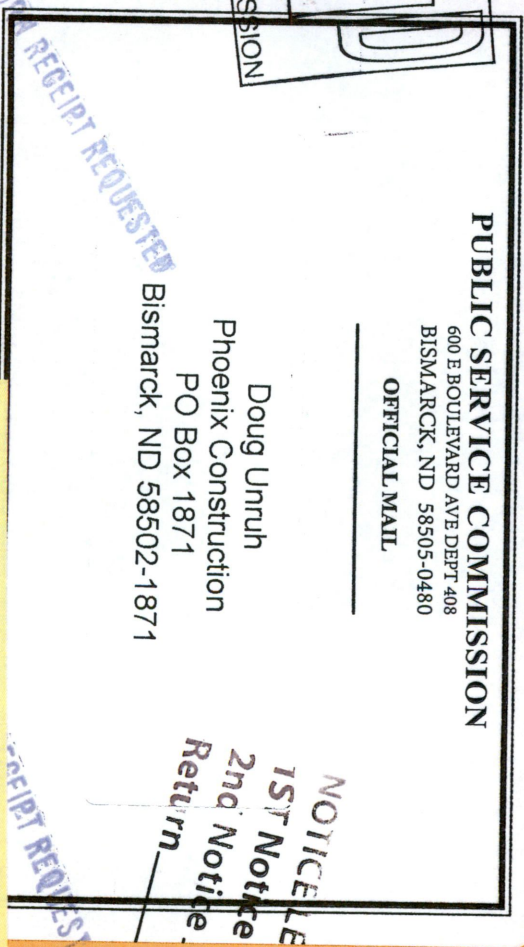
U.S. POSTAGE® PITNEY BOWES
ZIP 58505 \$006.46⁵
02 1M
0001396562 AUG 19 2016

RECEIVED
SEP 12 2016
NORTH DAKOTA
PUBLIC SERVICE COMMISSION

PUBLIC SERVICE COMMISSION

600 E BOULEVARD AVE DEPT 408
BISMARCK, ND 58505-0480
OFFICIAL MAIL

Doug Uhrnh
Phoenix Construction
PO Box 1871
Bismarck, ND 58502-1871



RETURN RECEIPT REQUESTED

NOTICE
1ST Notice
2nd Notice
Return

AUG 20 2016
825
9-6

9370090101631999

UNC 56505-0480

MIXIE 553 DE 1 0009/08/16
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
RC: 58505048099 *2878-05939-08-31