

# Memorandum

To: Commissioners Kalk, Christmann and Fedorchak

From: Victor Schock Public Utility Analyst

Date: March 24, 2016

Re: ND One-Call Complaint  
Case No. PU-15-186

On May 11, 2015, a ND One-Call Complaint was received from Sara DiFonzo with Kinder Morgan alleging that Liberty Resources, LLC. (Liberty) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to locate and mark underground facilities within 48 hours.

On May 26, 2015, staff forwarded the complaint to Liberty requesting a response. As of March 24, 2016 the Commission has not received a response.

Staff requested additional details from Kinder Morgan that are necessary to determine if a violation did take place on July 9, 2015 and sent a follow up on February 9, 2016. As of March 24, 2016 the Commission has not received a response from Kinder Morgan. Due to this lack of evidence, staff does not believe there is sufficient evidence to prove a violation.

Based on its investigation staff does not intend to file a formal complaint, and recommends that no further action be taken and the case be closed.