



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

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Darrell Nitschke

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June 26, 2015

Mark Cahoon  
Cahoon Enterprises LLC  
PO BOX 127  
Ray, ND 58849-0127

Re: One-Call Excavation Notice System: North Dakota Century Code Chapter 49-23

Dear Mr. Cahoon:

Enclosed is a copy of a ND One-Call Complaint, against Cahoon Enterprises LLC, received by the North Dakota Public Service Commission on June 24, 2015, from Charles Columbus at Hess Corporation of Tioga, ND, Case Number PU-15-406. The location of the incident identified in the complaint is approximately Township 156N, Range 95W, Sections 31, 32, 33 and 34, in Williams County, ND.

I am sending you this information so that you are aware of the Complaint and have an opportunity to present any information you may have to assist us in processing this case. **Please respond to Darrell Nitschke, Executive Secretary, North Dakota Public Service Commission, by July 13, 2015**, with your written account of the event, including the applicable One Call locate ticket number for work performed at the address indicated.

I will review your response, the ND One-Call Complaint, and other available information to determine the next step in this matter. If I conclude there was a violation of the One Call law, I may file a formal complaint with the Commission. If I decide to proceed with a formal complaint, I will attempt to contact you in advance.

Please contact me at 701-328-3397 or at [vschock@nd.gov](mailto:vschock@nd.gov) with any questions regarding this correspondence.

Sincerely,

Victor Schock  
Compliance and Competitive Markets Division

Enc: ND One-Call Complaint  
cc: Charles Columbus

2    **PU-15-406**    Filed: 6/26/2015    Pages: 2  
**Letter enclosing North Dakota One Call Complaint**





# ND ONE-CALL COMPLAINT

Public Service Commission

SFN 59067 (1-14)

To allege a violation of the One-Call Excavation Notice System Law: North Dakota Century Code Chapter 49-23

## PART A – WHO IS SUBMITTING THIS COMPLAINT (COMPLAINANT)

Company/Person Hess Corporation / CHarles Columbus	Street Address 10384 68th Street NW	City Tioga	State and Zip Code ND 58852
Telephone and Cell Phone Number 1-701-664-6401	Email Address ccolumbus@hess.com		Date 6-24-2015
<input type="checkbox"/> Complainant is willing and able to testify on the complaint if matter goes to formal hearing			

## PART B – WHO VIOLATED THE ONE-CALL REGULATIONS (RESPONDENT)

Company/Person Cahoon Enterprises / Mark	Street Address PO Box 127	City Ray	State and Zip Code ND 58849
Telephone and Cell Phone Number 1-701-641-7072	Email Address N/A		

## PART C – ALLEGED VIOLATION

<input type="checkbox"/> Operator failed to provide or update the information provided to the notification center on a timely basis <input type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation <input type="checkbox"/> Excavator failed to provide required information in excavation or location notice <input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation <input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area <input type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours <input type="checkbox"/> Excavation started prior to underground facility locate <input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally <input type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period <input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities <input type="checkbox"/> Excavator failed to maintain the markings during excavation <input checked="" type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) False Emergency One Call Ticket - 49-07-01.1 / scope of work is not emergency
Location of Violation: Twp: 156N Rng: 95W Sect-Qtr: 34-SW, 33-SW, 32-SW, 31-SW
Date and Time of Violation: Work to Begin Date: 6/23/15 Time: 12:30 PM CT
Description (summarize the observations on which you rely to allege the violation) <i>If more space is required, please provide the description on a separate page.</i>  I called and spoke to Mark and he explained that he was instructed by ND One Call to place the ticket as an emergency. This not sounding correct I contracted Ryan Schmalz the director with ND One Call to verify the conversation. Ryan Schmalz returned my inquiry and confirmed Mark choose to declare this as an emergency ticket and was not coached by the ND One Call CSR. Cahoon Enterprises did not have a valid one call ticket and placed this false emergency ticket because people were on location. This false emergency causes increase risk to all parties responding by having to pull off existing work to respond per ND Law. ND One Call ticket # 15095000

## PART D – DAMAGE

Fatalities	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected:		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$		Number of Customers Affected
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint Charles Columbus	Date 6-24-2015
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Send Completed, Original Complaint To:  
 Public Service Commission  
 600 E Boulevard Ave Dept 408  
 Bismarck ND 58505-0480  
 Telephone: (701) 328-2400