

June 7, 2016

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-4080



**RE: Public Service Commission v  
Carstensen Contracting Inc.  
Case No: PU-15-571**

Dear Mr. Nitschke:

Enclosed herewith please find the Answer of Respondent, Carstensen Contracting, Inc., in relation to the above-referenced matter:

If you have any questions regarding the attached documents or require any additional information, please advise.

Sincerely,  
  
LAWRENCE BENDER

LB/ber  
Enclosures

cc: John Schuh (via e-mail)  
Victor Schock (via e-mail)

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**PU-15-571**  
**Answer**

Filed: 6/7/2016

Pages: 6

**BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA**

**Public Service Commission  
Carstensen Contracting, Inc.  
Damage Prevention Enforcement**

Public Service Commission,                    )  
  )  
  ) Complainant,  
  )  
v.    )  
  )  
Carstensen Contracting, Inc.,                )  
  )  
  ) Respondent.    )

**Case No. PU-15-571**

**ANSWER OF RESPONDENT  
CARSTENSEN CONTRACTING, INC.**

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Respondent, Carstensen Contracting, Inc. (“Carstensen”), for its answer to the Complaint of the North Dakota Public Service Commission (“Commission”), states as follows:

1.

Carstensen denies each and every allegation of the Commission’s Complaint except as herein admitted, qualified, or explained.

2.

Carstensen admits the allegations contained in Paragraph I of the Commission’s Complaint.

3.

Carstensen lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph II of the Commission’s Complaint, and therefore, denies the same.

4.

Carstensen admits that Paragraph III of the Commission’s Complaint quotes in part certain provisions of the North Dakota Century Code and North Dakota Administrative Code.

To the extent Paragraph III contains factual allegations to which a response is required, Carstensen denies the same.

5.

With respect to the allegations contained in Paragraph IV of the Commission's Complaint, Carstensen states that the allegations purport to include information as set forth in the ND One-Call Complaint submitted by Richard Chaska with ONEOK Rockies Midstream, L.L.C. ("ONEOK"), which said document speaks for itself. Except as so stated, Carstensen lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph IV of the Commission's Complaint, and therefore, denies the same.

6.

With respect to the allegations contained in Paragraph V of the Commission's Complaint, Carstensen admits only that the Commission issued a letter notifying Carstensen of the complaint filed by ONEOK and requested a response. Carstensen states that the response submitted includes information and documentation for locate requests submitted by Carstensen in the location of the incident. Except as so stated, Carstensen lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph V of the Commission's Complaint, and therefore, denies the same.

7.

With respect to the allegations contained in Paragraph VI of the Commission's Complaint, Carstensen states that the allegations purport to include information as set forth in the complaint of ONEOK, which said document speaks for itself. Except as so stated, Carstensen lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph VI of the Commission's Complaint, and therefore, denies the same.

8.

With respect to the allegations contained in Paragraph VII of the Commission's Complaint, Carstensen states that it lacks knowledge or information regarding the investigation of Commission staff, and therefore, denies the same. Paragraph VII also contains legal conclusions to which no response is required. Carstensen further states that locate ticket number 15112340 was submitted as a secondary request to confirm all utilities in the excavation area were properly marked; initial ticket requests were made and refreshed prior to the date of the incident. *See* PSC Case No. PU-15-571, Docket No. 3. Except as so stated, Carstensen lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph VII of the Commission's Complaint, and therefore, denies the same.

9.

Paragraph VIII of the Commission's Complaint contains a legal conclusion to which no response is required. To the extent Paragraph VIII contains factual allegations to which a response is required, Carstensen denies the same.

10.

Carstensen admits only that Paragraph IX of the Commission's Complaint quotes in part a portion of the Commission's Damage Prevention Plan. To the extent Paragraph IX contains factual allegations to which a response is required, Carstensen denies the same.

11.

Carstensen admits that Paragraph X of the Commission's Complaint sets forth the requirements by which Carstensen must respond to the Complaint of the Commission and service of the same must be effectuated under the North Dakota Rules of Civil Procedure.

12.

Carstensen specifically denies each allegation, claim, prayer, and demand in the Commission's prayer for relief.

**DEFENSES**

13.

As a defense, Carstensen alleges that the Commission's Complaint fails to state a cause of action upon which relief can be granted.

14.

As a defense, Carstensen reserves, pending discovery, all defenses provided by the North Dakota Rules of Civil Procedure and the North Dakota Administrative Practices Act.

**REQUEST FOR RELIEF**

**WHEREFORE**, Carstensen requests the following relief:

- a. The Commission's Complaint be in all things dismissed; and
- b. Such further and additional relief as justice may require.

**DATED** this 7th day of June, 2016.

FREDRIKSON & BYRON, P.A.

By 

LAWRENCE BENDER, ND Bar #03908  
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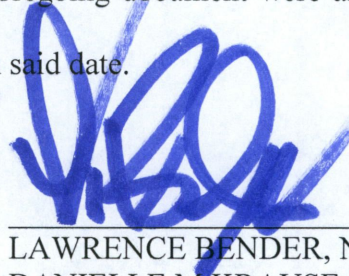
**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on June 7, 2016, a true and correct copy of the foregoing document was served via electronic mail on the following:

John M. Schuh  
North Dakota Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505  
jschuh@nd.gov

Victor Schock  
North Dakota Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505  
vschock@nd.gov

An original and ten (10) copies of the foregoing document were also hand delivered to the North Dakota Public Service Commission on said date.



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