



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

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November 16, 2015

Guthmiller Earthmoving, Inc.  
3903 58<sup>th</sup> Ave SE  
Medina, ND 58467-9759

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

To whom it may concern:

Enclosed is a copy of a ND One-Call Complaint, against Guthmiller Earthmoving, Inc., received by the North Dakota Public Service Commission on November 4, 2015, from Mike Schoepp, at Montana Dakota Utilities, of Bismarck, ND, Case Number PU-15-714. The location of the damage identified in the complaint is approximately 4000 Highway 281 SE, Jamestown, 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 December 1, 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  
c: Mike Schoepp



# 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 Montana Dakota Utilities	Street Address PO Box 1457	City Bismarck	State and Zip Code ND 58502
Telephone and Cell Phone Number 701-224-5814	Email Address micheal.schoepp@mdu.com		Date 11/4/15
<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 Guthmiller Earthmovers Inc	Street Address 305 2nd Ave s	City Cleveland	State and Zip Code ND 58424
Telephone and Cell Phone Number 701-763-6200	Email Address		

## 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 checked="" 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 type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____
Location of Violation: Central Sales Inc. 4000 Highway 281 SE Jamestown, ND 58401
Date and Time of Violation: 11/3/15 at 4:45 PM
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>  3/4 inch natural gas service line was damaged. Gas was blowing. No locates were called in prior to digging. Contractor was using large scraper digging down about 2 feet.

## PART D – DAMAGE

Fatalities n/a	Injuries n/a	In-patient Hospitalization n/a
Underground facility type(s) and Operator(s) affected: natural gas / MDU		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ 1000.00	Number of Customers Affected 1	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint Mike Schoepp	Date 11/4/15
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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