



# 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 Xcel Energy / Lisa Kallberg	Street Address 825 Rice St	City St. Paul	State and Zip Code MN 55372
Telephone and Cell Phone Number 651-229-2282	Email Address elisabeth.m.kallberg@xcelenergy.com		Date 11-30-15
<input checked="" 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 Adelman Concrete	Street Address 1168 Center St	City West Fargo	State and Zip Code ND 58078
Telephone and Cell Phone Number 701-277-3500	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: Intersection of University Drive and Administration Ave
Date and Time of Violation: July 9, 2015 9:48 am
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> Adelman Concrete failed to provide notification to the ND One Call Center prior to grading at the intersection of University Drive and Administration Ave.

## PART D – DAMAGE

Fatalities 0	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: 2 inch natural gas main		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$1429	Number of Customers Affected 1	
Other impact of event: none		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint Lisa Kallberg	Date 11-30-15
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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

W.O.1221990303



# Damage Investigation Form

Damage Date:	<u>7/9/2015</u>	Date Notified:	<u>7/9/2015</u>	Date Investigated:	<u>7/9/2015</u>
Address:	<u>University Dr &amp; Administration Ave</u>	City:	<u>Fargo ND</u>	Notified by:	<u>Xcel Energy</u>
Excavator:	<u>Adelman Concrete</u>	Ticket #:	<u>No Ticket</u>	Damage Ticket:	<u></u>
Locator:	<u>N/A</u>	Locate Date:	<u>N/A</u>	Work Type:	<u>Remove Dirt For Grade</u>
Facility Damaged:	<u>2" Plastic Gas Main</u>	Equipment Used:	<u>Skid Steer</u>		

Description of site and facility indicators: \_\_\_\_\_

Utility representative on-site? Y Y/N      Excavator on-site? Y Y/N

Name of representative: \_\_\_\_\_ Excavator name: \_\_\_\_\_

**Cause of damage and circumstances:**

Adelman Concrete was removing dirt for grade to put in a new approach without a valid North Dakota One Call ticket when they hit the 2" plastic gas main.

**Preventative Actions (Only fill out for at-fault damages)**

What was the excavators determination on liability and why? Adelman Concrete. No ticket

Recommendation of Liability Adelman Concrete

Investigator:	<u>Peggy Amsbaugh</u>	Date:	<u>7/9/2015</u>
Supervisor:	<u>Kiley Perala</u>	Date:	<u>7/9/2015</u>
Managers Concurrence:	<u>Jason Ponciano</u>	Date:	<u>7/15/2015</u>

\*\*This document is not for third party use.\*\*

## Specific Locate Information

Mark all that apply (X)

<input type="checkbox"/>	The line was marked accurately. <i>Within tolerance by Inches</i> _____	*End Of Questions
<input type="checkbox"/>	The damaged facility is abandoned. *End of Questions*	
<input checked="" type="checkbox"/>	Excavator did not have a valid ticket. Or outside of their "Dig Area". *End of Questions	
<input type="checkbox"/>	<b>The line should have been marked, but was unmarked.</b>	
<input type="checkbox"/>	The marks were destroyed by:      Excavation _____ Weather _____ Other _____	
<input type="checkbox"/>	The line was unmarked but previously located.	
<input type="checkbox"/>	The excavation was out of the dig area.	
<input type="checkbox"/>	The dig area was established by a verbal exchange.	
<input type="checkbox"/>	If so, is the dig area well documented?      Yes _____ No _____	
<input type="checkbox"/>	The unmarked facility was on provided maps?      Yes _____ No _____	
<input type="checkbox"/>	The excavator knew there were unmarked lines.	
<input type="checkbox"/>	Did the excavator have any of the utilities exposed?      Yes <input checked="" type="checkbox"/> No _____	
<input type="checkbox"/>	<b>The line should have been marked, but was mismarked.</b>	
<input type="checkbox"/>	The damage occurred on a project.	
<input type="checkbox"/>	The cutting edge was within 24" of the damaged line.	
<input type="checkbox"/>	The cutting edge was within 18" of the damaged line. <b>(For South Dakota use only)</b>	
<input type="checkbox"/>	Was the tracer wire present with the facility?      Yes <input checked="" type="checkbox"/> No _____	
<input checked="" type="checkbox"/>	Pictures of the damage were taken. <input checked="" type="checkbox"/> Locate Pictures or Sketch Available.	
<input type="checkbox"/>	How deep was the damaged facility?	
<input type="checkbox"/>	There was a visual indicator of the facility from the dig area.	
<input type="checkbox"/>	Distance to visual indicator?	
<input type="checkbox"/>	How far was the closest remaining mark to the damage?	

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_





