



Public Service Commission

State of North Dakota

COMMISSIONERS

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December 3, 2015

Scott Adelman
Adelman Concrete & Excavating, Inc.
1168 Center St
West Fargo, ND 58078-1014

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

Dear Mr. Adelman:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Adelman Concrete & Excavating, Inc., received by the North Dakota Public Service Commission on November 30, 2015, from Lisa Kalberg at Xcel Energy of St. Paul, MN, Case Number PU-15-748. The location of the damage identified in the complaint is the intersection of University Drive and Administration Avenue, Fargo, 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 18, 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 with any questions regarding this correspondence.

Sincerely,

Victor Schock
Compliance and Competitive Markets Division

Enc: ND One-Call Complaint with attachments
c: Lisa Kalberg with attachments



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 1188 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: 7/9/2015 Date Notified: 7/9/2015 Date Investigated: 7/9/2015
Address: University Dr & Administration Ave City: Fargo ND Notified by: Xcel Energy
Excavator: Adelman Concrete Ticket #: No Ticket Damage Ticket:
Locator: N/A Locate Date: N/A Work Type: Remove Dirt For Grade
Facility Damaged: 2" Plastic Gas Main Equipment Used: Skid Steer

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

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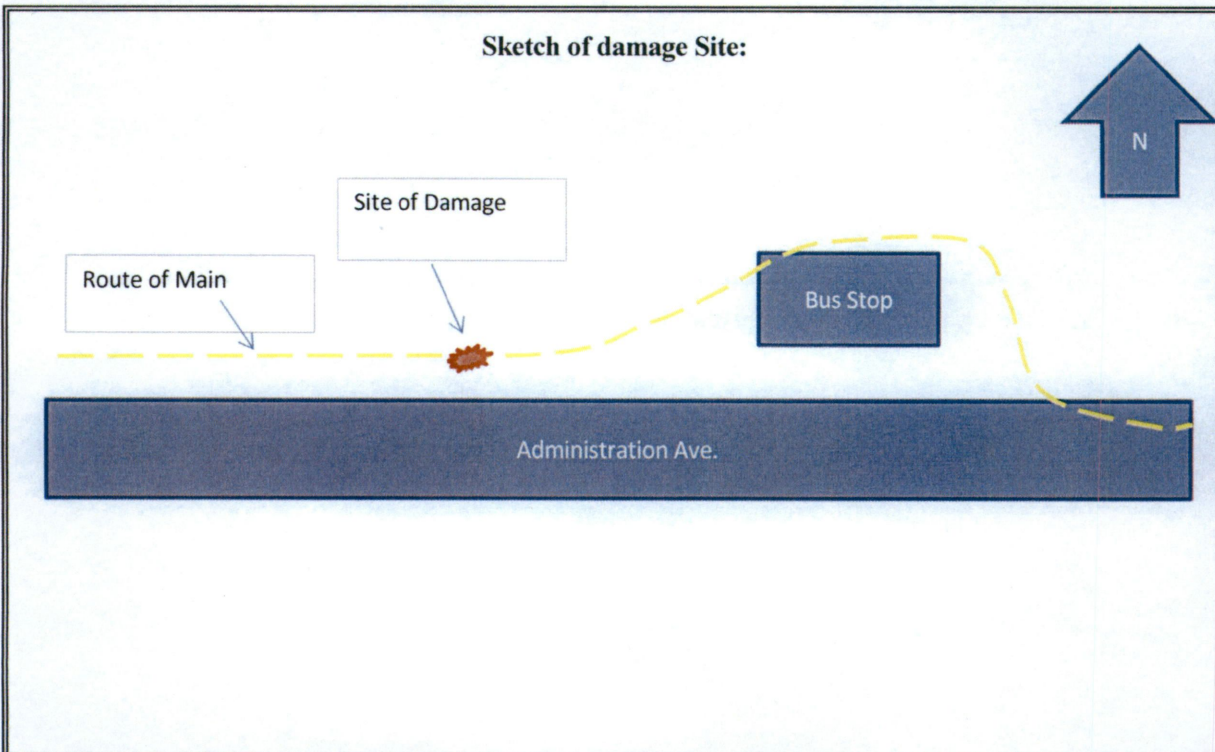
Specific Locate Information

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*	
X	Excavator did not have a valid ticket. Or outside of their "Dig Area". *End of Questions	
<input type="checkbox"/>	The line should have been marked, but was unmarked.	
<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 <u>X</u> No _____	
<input type="checkbox"/>	The line should have been marked, but was mismarked.	
<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. (For South Dakota use only)	
<input type="checkbox"/>	Was the tracer wire present with the facility? Yes <u>X</u> No _____	
X	Pictures of the damage were taken. <u>X</u> Locate Pictures or Sketch Available.	
3'	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: _____



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