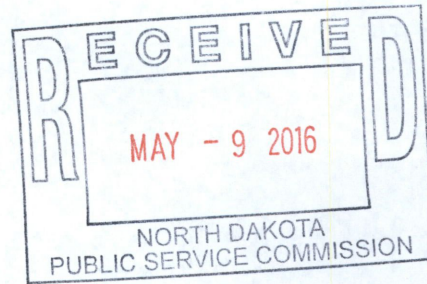


May 5, 2016

North Dakota Public Service Commission
600 E Boulevard Avenue – Dept. 408
Bismarck, ND 58505



Re: Adelman Concrete and Excavating, Inc.
Response to Complaint Case No. PU-15-748

To whom it may concern;

Adelman Concrete and Excavating, Inc. is in receipt of a copy of the complaint Case No. PU-15-78 filed by the Commission that was forwarded to our office via certified mail. At this time Adelman Concrete and Excavating, Inc. wishes to offer the following responses to the statements detailed throughout the sections of this complaint.

Section I: Statements appear to be accurate, no additional comments at this time.

Section II: Statements appear to be accurate, no additional comments at this time.

Section III: Statements appear to be accurate, no additional comments at this time.

Section IV: Statements appear to be accurate, no additional comments at this time.

Section V: Adelman Concrete and Excavating, Inc. has not knowingly and willingly avoided responding to this matter, Xcel Energy or the Commission. To date we have not received a copy of the Complaint filed by Xcel Energy with the Commission from November 30, 2015 nor a copy of the letter issued by the Commission on December 3, 2015 requesting a response to initial complaint by December 18, 2015. Would we have received these we would have provided a more timely response in an effort to resolve this matter as quickly and effectively for all parties.

However, we were in receipt of the October 13, 2015 letter "Notice of Damage Claim" as well as the coinciding invoice 299182156 from Xcel Energy for the costs associated with the damage repair in the amount of \$ 1,429.06. At which time Adelman Concrete and Excavating, Inc. issued a check for prompt payment of said invoice in the full amount requested by Xcel Energy. The check was issued on October 16, 2015 and sent to Xcel Energy via US Mail, with the check clearing our financial institution on November 9, 2015. See attached documentation supporting these statements.

Section VI: Statements appear to be accurate, no additional comments at this time.

Section VII: Adelman Concrete and Excavating, Inc. believed that they had provided the adequate forty-eight (48) hour notice for excavation as required. Adelman Concrete and Excavating shows no records of receiving the request or being made aware that Xcel Energy had requested an additional twenty-four (24) hours to complete their locates. Would Adelman been made aware of Xcel's request for additional time in advance and in a timely manner, there would have been changed made to the excavation schedule.

Section VIII: Adelman Concrete and Excavating, Inc. does not believe that it violated ND Century Code by failing to provide an excavation notice, as it had provided on July 7, 2015, as per Section VII above.

Section IX: Statements appear to be accurate, no additional comments at this time.

Section X: Response provided via this letter sent certified mail.

At this time Adelman Concrete and Excavating, Inc. requests that this matter be closed without the assessment of any civil penalties or with the lowest possible penalties. Adelman is making this request on the basis that they had exercised their due diligence regarding the forty-eight (48) excavation notice requirement, as well as their prompted payment for the damages that occurred to Xcel Energy. There appears to have been a breakdown of communication between all parties in regards to this matter, thus creating the opportunity for such an incident like this to occur. However, Adelman should not have to be the only party facing civil penalty charges, as the responsibility for this incident is not solely on Adelman. Therefore, as requested above we request that this matter be closed without the assessment of civil penalties.

Respectfully submitted by Stephanie Ketterl on the behalf of Adelman Concrete and Excavating, Inc. on May 5, 2016.


Stephanie Ketterl
Construction and Safety Administrator



Claims Department
414 Nicollet Mall
Minneapolis, MN 55401

***** NOTICE OF DAMAGE CLAIM *****

October 13, 2015

ADELMAN CONCRETE
1168 CENTER AVE.
WEST FARGO, ND 58078

Re: Damage to Xcel Energy Property

Claim No: 1221990303
Damage/ Discovery Date: July 9, 2015
Damage Location: University Dr. N. & Administration Ave, Fargo, ND
Damage County: Cass
Damage Amount: \$1,429.06

To Whom It May Concern:

Please be advised that we have determined that Xcel Energy facilities sustained damage as a result of the negligent acts or omissions by employees or agents of Adelman Concrete.

Our investigation has revealed that on or about July 9, 2015, an Xcel Energy UG gas main was damaged by your employees or agents in the area of University Dr. N. & Administration Ave, Fargo, ND.

If there is insurance to cover this matter, please advise us as to the name of the insurance company, its address, phone number, and the claim number assigned.

If you have questions, wish to contest this claim, or have insurance information to provide please contact the Xcel Energy Claims Department at 612-215-4516.

Sincerely,

Collection Department
Xcel Energy

PAID
OCT 16 2015
INVOICE



MAILING ADDRESS	ACCOUNT NUMBER	DUE DATE
ADELMAN CONCRETE D12219903 1168 CENTER AVE WEST FARGO ND 58078-1014	51-0011078680-9	11/26/2015
	STATEMENT NUMBER	STATEMENT DATE
	477127820	10/27/2015
		AMOUNT DUE
		\$1,429.06

NON-RECURRING CHARGES / CREDITS DETAILS

DESCRIPTION	CHARGE
Invoice Number 299182156	12219903
10/26/15 to 10/26/15	UNIVERSITY DR N & ADMINISTRATION AV FARGO ND
DmgRepairGM Equip	\$75.99
DmgRepairGM Labor	\$734.84
DmgRepairGM Mat	\$106.11
GasLosses for Damage CI	\$512.12
Total	\$1,429.06

CONTRACT#1346091 UNIVERSITY DR N & ADMINISTRATION AVE FARGO
ND
WO#12219903
REPAIR GAS SERVICE DAMAGED ON 07/09/15
FOR QUESTIONS PLEASE CALL THE CLAIMS DEPT AT 612-215-4516
REGARDING THIS INVOICE



Save Energy With the Right Upgrade

Planning on upgrading office equipment in the New Year? Consider switching out your employees' desktop computers for laptops. Laptops use up to 90% less energy.

Source: bre.stanford.edu/sem/what_you_can_do

ADELMAN CONCRETE & EXCAVATING, INC.

X-cel Energy

Claim No: 1221990303 Damage/Discovery Date: J 10/16/2015 26935
1,429.06

FIBT Checking Claim No: 1221990303 Damage/Discovery Dat

1,429.06

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF CASS

Stephanie A. Ketterl deposes and says that:

On the **5th day of May, 2016**, she deposited in the United States Mail, at Fargo, ND, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing photocopy of:

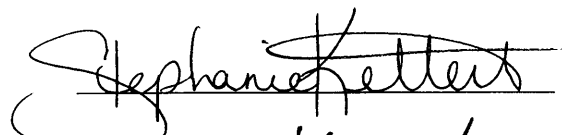
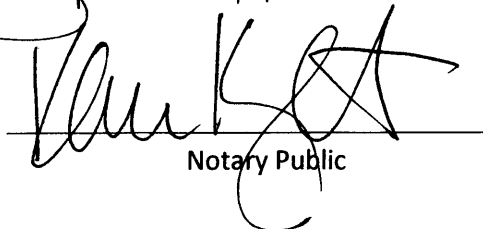
- Adelman Concrete and Excavating, Inc. response to complaint with back-up.

The envelopes were addressed as follows:

John M. Schuh
Special Assistant Attorney General
Attorney for Advocacy Staff
600 E Boulevard Ave
Bismarck, ND 58505
Cert. No. 7016 0600 0000 5335 5786

Victor Schock
Public Utility Analyst
Public Service Commission Advocacy Staff
600 E Boulevard Ave – Dept. 408
Bismarck, ND 58505 -0480
Cert. No. 7016 0600 0000 5335 5809

The addresses shown are the respective addressee's last reasonable ascertainable mailing address.



Notary Public

Subscribed and sworn to before me this **5th day of May, 2016**.

KAREN KNIGHT
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES
MARCH 22, 2022