

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Public Service Commission  
Bulldog Concrete, Inc.  
Damage Prevention Enforcement

Case No. PU-15-751

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Geralyn R. Schmaltz** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **22nd day of July, 2016**, she deposited in the United States Mail, at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing photocopy of:

- **Order And Notice On Default**

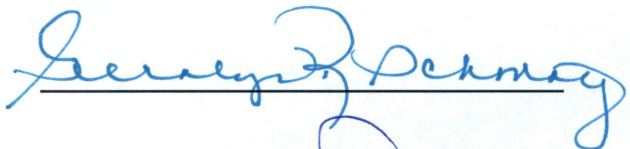
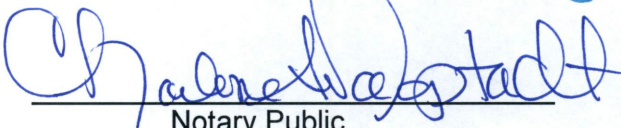
The envelopes were addressed as follows:

Bulldog Concrete, Inc.  
1041 46<sup>th</sup> Avenue W  
West Fargo, ND 58078  
Cert. No. 7015 0640 0006 6433 4421

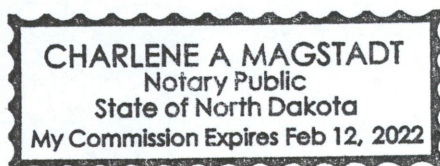
Gary Ewald  
Registered Agent for Bulldog Concrete, Inc.  
1041 46<sup>th</sup> Avenue W  
West Fargo, ND 58078-8809  
Cert. No. 7015 0640 0006 6433 4445

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

Subscribed and sworn to before me  
this **22nd day of July, 2016**.

  
  
Notary Public

SEAL



**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Bulldog Concrete Inc.  
Damage Prevention Enforcement**

**Case No. PU-15-751**

**ORDER AND NOTICE ON DEFAULT**

**July 20, 2016**

**Preliminary Statement**

On December 1, 2015 Northern States Power Company filed a third party damage complaint alleging a violation of North Dakota Century Code Chapter 49-23 by Bulldog Concrete Inc. (Bulldog).

On December 3, 2015 Commission Staff forwarded a copy of the third party damage complaint to the respondent, Bulldog, for response. No response was received.

On April 12, 2016 Public Service Commission Advocacy Staff (Advocacy Staff) filed a formal Complaint against Bulldog alleging violation of the North Dakota One-Call Law, North Dakota Century Code Chapter 49-23, requesting the Commission find Bulldog in violation and impose a penalty.

On April 20, 2016 the Commission found the Complaint states a *prima facie* case.

On April 22, 2016 the Commission served the Complaint on Bulldog.

On April 28, 2016 Bulldog received the formal Complaint as evidenced by the return receipt on file with the Commission.

On June 1, 2016 Advocacy Staff filed and served a Motion and Notice of Motion for Order of Default.

**Discussion and Statement of Grounds for Default**

Bulldog violated North Dakota Century Code Chapter 49-23 by failing to provide an excavation notice to the North Dakota One Call notification center at least forty-eight hours before beginning excavation. As a result of this excavation, damage was caused by a stake used to hold concrete forms to a 5/8-inch natural gas service line. One natural gas customer was affected with an outage of approximately 2 hours.

The facts before the Commission indicate that Bulldog is in default for failing to file an Answer within 20 days after service of the Complaint.

Bulldog's failure to file an Answer to the Complaint constitutes grounds for default under North Dakota Century Code Chapter 28-32 and North Dakota Administrative Code Chapter 69-02-02.

This Order and Notice of Default constitutes written Notice of Default and a statement of the grounds for default.

The Commission issues the following:

### **Order and Notice of Default**


The Commission orders:

1. Bulldog Concrete Inc. is in default under North Dakota Century Code Chapter 28-32 and North Dakota Administrative Code Chapter 69-02-02 for failing to file an Answer to the Complaint within twenty days after service of the Complaint.
2. Bulldog Concrete Inc. is in violation of North Dakota Century Code Chapter 49-23 for failing to provide an excavation notice to the North Dakota One Call notification center at least forty-eight hours before beginning excavation.
3. Bulldog Concrete Inc. is assessed a civil penalty of \$1,500.00.
4. Bulldog Concrete Inc. shall remit the \$1,500.00 civil penalty, payable to the North Dakota Public Service Commission, within ten business days of service of this Order and Notice on Default.
5. This Order and Notice on Default constitutes written Notice of Default and a statement of the grounds for default.
6. Under North Dakota Century Code Section 28-32-30(2), Bulldog Concrete Inc. has seven days after service of this Order and Notice on Default to file a written motion requesting that the default order be vacated. Unless Bulldog Concrete Inc., within seven days after service of this Order and Notice on Default, files a written motion requesting that the default order be vacated, this Order and Notice on Default will be the final determination of this matter.

**PUBLIC SERVICE COMMISSION**



**Randy Christmann**  
Commissioner



**Julie Fedorchak**  
Chairman



**Brian P. Kalk**  
Commissioner