



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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December 10, 2015

Territorial-Landworks, Inc.  
PO BOX 3851  
Missoula, MT 59806-3851

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 Territorial-Landworks, Inc., received by the North Dakota Public Service Commission on December 7, 2015, from Larry Novak, of Alexander, ND, Case Number PU-15-781. The location identified in the complaint is approximately Section 30 & 31 T-152N R-101W, near Alexander, 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 28, 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: Larry Novak



# 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 Larry Novak	Street Address 14461 37th St NW	City Alexander	State and Zip Code North Dakota 58831
Telephone and Cell Phone Number 701-572-3060 701-770-7370	Email Address coyote@ruggedwest.com		Date 10/5/2015
<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 Territorial Landworks and Tesoro	Street Address 141 7th Street Southwest Suite B	City Sidney	State and Zip Code MT 59270
Telephone and Cell Phone Number 406-742-1925	Email Address Admin@Territoriallandworks.com		

## 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 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 checked="" type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) <u>49.23.05.2 failure to pick up flag pins</u>
Location of Violation: Sec 30 and 31 152N- 101W
Date and Time of Violation: One call appeared to be called in on October 16, 2015
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>  In talking to Ryan at one call this company called in the one call on Oct. 16, 2015, flags showed up shortly after that, Company has no easements on the land, so no construction could start. As of today company still has not pick up the flag pins or contacted to get easement.

## PART D – DAMAGE

Fatalities none	Injuries none	In-patient Hospitalization none
Underground facility type(s) and Operator(s) affected: none		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ could be high when flag pin go trough combine or the cow ingest flag in stomach	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 Larry Novak	Date 12/5/2015
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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