

Arthur Langved  
4651 Highway 1804  
New Town, ND 58763

October 26, 2016

RE: NOTICE OF WARNING

Mr. Arthur Langved:

This letter is a written warning that continuing to excavate in violation of North Dakota's One Call Law ("One Call Law") will likely result in an enforcement action and civil penalty.

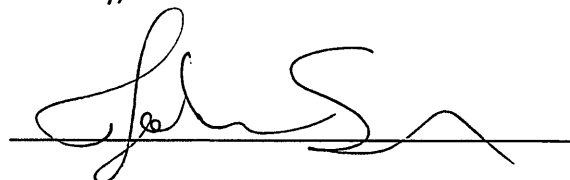
As you are aware, the North Dakota Public Service Commission received a complaint alleging that you violated N.D.C.C. § 49-23-04(1) by failing to provide an excavation notice to the North Dakota One Call Notification Center at least forty-eight hours prior to excavation. Continental Resources, Inc. alleges that you began excavation while performing removal and installation of fence posts at GPS location 48.0779700, - 102.6141200 near New Town, North Dakota.

Under North Dakota Century Code section 49-23-01(7), excavation includes "an operation in which earth, rock, or other materials in or below the ground is moved . . . by means of hand or power tools, power equipment, or explosives," but does not include agricultural activities unless "any of these activities disturbs the soil to a depth of eighteen inches" or more. The One Call Law requires that an excavator shall contact the notification center and provide an excavation or location notice at least forty-eight hours before beginning excavation. The Commission Advocacy Staff has reviewed your case and believes that your activities constitute a violation.

Digging without knowing the approximate location of underground utilities can result in damage to underground utilities, which can lead to costly repairs, service disruptions, and serious injuries. The Commission is dedicated to protecting underground utility lines and the safety of the people who dig near them. For this reason, the Advocacy Staff is issuing this letter to put you on notice that continuing to excavate in violation of the One Call Law will expose you to an enforcement action and civil fine up to twenty-five thousand dollars.

The Commission thanks you in advance for your cooperation.

Sincerely,



John M. Schuh  
Special Assistant Attorney General  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
jschuh@nd.gov