



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

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Executive Secretary  
Darrell Nitschke

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

December 22, 2016

Fred J Schlanser Jr  
Master Construction Co., Inc.  
PO BOX 788  
Fargo, ND 58107-0788

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

Dear Mr. Schlanser:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Master Construction Co., Inc., received by the North Dakota Public Service Commission on December 21, 2016, from Lisa Kallberg, at Xcel Energy, of St. Paul, MN, Case Number PU-16-771. The location of the damage identified in the complaint is approximately the intersection of 43 ½ St and 13<sup>th</sup> Ave S, Fargo, ND.

I am sending you this information so that you are aware of the complaint and may respond with information concerning the complaint. **Please respond to Darrell Nitschke, Executive Secretary, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by January 9, 2017**, with your written account of the event, including the applicable One Call locate ticket number for work performed at the address indicated.

Your response and the ND One-Call Complaint will be reviewed to determine whether there may be a violation of the One-Call Excavation Notice System law.

If I do not receive a response by the date noted, I will determine whether there was a violation, without your side of the story, based on the facts contained in this complaint. If I conclude a violation did occur I will file a formal complaint against Master Construction Co., Inc. with the Commission, which may result in a penalty up to \$25,000 per violation as approved by the North Dakota Legislative Assembly in 2013 under North Dakota Century Code Section 49-07-01.1.

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  
North Dakota Public Service Commission  
600 E Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480

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

2 PU-16-771 Filed: 12/22/2016 Pages: 11  
Letter enclosing North Dakota One-Call Complaint  
with attachments

Public Service Commission Staff

Victor Schock



# 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 Kalberg	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.kalberg@xcelenergy.com		Date 12-21-16
<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 Master Construction	Street Address 1527 45th Street North	City Fargo	State and Zip Code ND 58102
Telephone and Cell Phone Number 701-237-4950	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 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 checked="" 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: 43 1/2 St and 13th Ave S Fargo, ND
Date and Time of Violation: June 26, 2016 10:30 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>  Master Construction was using a skid loader to pull dirt away from on top of the accurately marked 6" pe main so they could install a new curb when they hit an accurately marked "T" on the 6" pe main. The contractor did not expose the main prior to using the skid loader within 24" of the accurately marked gas main.

## 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): \$ \$8,398		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 Kalberg	Date 12-21-16
------------------------------------------------------	------------------

Send Completed, Original Complaint To:  
 Public Service Commission  
 600 E Boulevard Ave Dept 408  
 Bismarck ND 58505-0480  
 Telephone: (701) 328-2400

Xcel Energy Inc.  
 Lisa Kalberg

W.O.1239823303



### Damage Investigation Form

Damage Date:	<u>6/24/2016</u>	Date Notified:	<u>6/24/2016</u>	Date Investigated:	<u>6/24/2016</u>
Address:	<u>43 1/2 St S &amp; 13th Ave S</u>	City:	<u>Fargo</u>	Notified by:	<u>Xcel Energy</u>
Excavator:	<u>Master Construction</u>	Ticket #:	<u>16077049</u>	Damage Ticket:	<u>16080042</u>
Locator:	<u>Jimere Douglas</u>	Locate Date:	<u>6/23/2016</u>	Work Type:	<u>Road Construction</u>
Facility Damaged:	<u>6" Pl Gas Main</u>	Equipment Used:	<u>Skid Loader</u>		

Description of site and facility indicators: Paint and Flags on Main

Utility representative on-site? Y Y/N      Excavator on-site? Y Y/N  
Name of representative: \_\_\_\_\_ Excavator name: Saul Mercado

**Cause of damage and circumstances:**  
Master Construction was using a skid loader to pull dirt away from on top of the accurately marked 6" pl main so they could install a new curb when they hit an accurately marked "T" on the 6" pl main. The contractor did not expose the main prior to using the skid loader within 24" of the accurately marked gas main.

**Preventative Actions (Only fill out for at-fault damages)**

What was the excavators determination on liability and why? Master Construction  
They thought the T would be facing down and not on top of the main.

Recommendation of Liability: Master Construction

Investigator:	<u>Mathew Licht</u>	Date:	<u>6/24/2016</u>
Supervisor:	<u>Kiley Perala</u>	Date:	<u>6/27/2016</u>
Managers Concurrence:	<u>Jason Ponciano</u>	Date:	<u>6/28/2016</u>

\*\*This document is not for third party use.\*\*

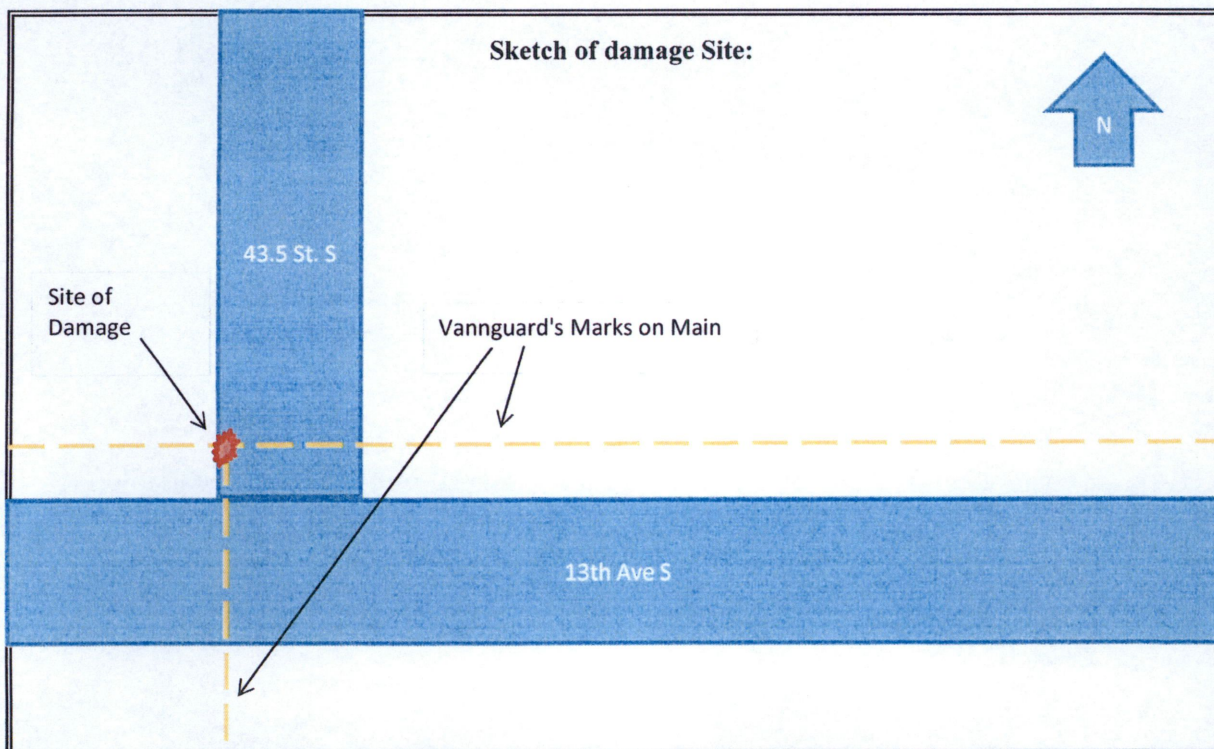
## Specific Locate Information

Mark all that apply (X)

<input checked="" 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*	
<input type="checkbox"/>	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 _____ No <input checked="" type="checkbox"/>	
<input type="checkbox"/>	The line should have been marked, but was mismarked.	
<input checked="" type="checkbox"/>	The damage occurred on a project.	
<input checked="" 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 <input checked="" type="checkbox"/> No _____	
<input checked="" type="checkbox"/>	Pictures of the damage were taken. <input checked="" type="checkbox"/> Locate Pictures or Sketch Available.	
<input type="checkbox"/>	How deep was the damaged facility?	
<input checked="" type="checkbox"/>	There was a visual indicator of the facility from the dig area.	
<input type="checkbox"/>	1' _____ Distance to visual indicator?	
<input type="checkbox"/>	1' _____ How far was the closest remaining mark to the damage?	

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_



\*\*This document is not for third party use\*\*

**TELEPHONE NOTICE OF GAS LEAKS  
GAS SERVICE DISPATCHER CHECKLIST**

Division: FARGO                      Town: FARGO                      State: ND  
 Leak Location: 43 1/2 ST AND 13TH AVE S FARGO, ND                      County: FARGO  
 Date: 6/24/2016                      Time: 10:25    A.M.     P.M.                       Transmission:   
 Distribution:

Reported By: SAL MASTER CONST                      Phone: 320-237-4826

Number Of Fatalities: 0                      Number Of Injuries Requiring In-Patient Hospitalization: 0

Estimated Damage (including cost of gas lost): \$50,000 or More     Under \$50,000:

Number Of Customers Out Of Service and/or Affected: 33 svcs

Expected duration of outage (Hrs) 3    Approx. time of Restoration                      A.M.     P.M.

Description of Event: 6" PE gas main was damaged at the location of a 2" High Volume tee; a safe perimeter was established and nearby buildings were evacuated as a precaution. outage of 33 services serving multiple-meter apartment buildings

Gas Ignited:     Traffic Rerouted:     Block Off Area:

Evacuation Of Building:     Fire Dept. Called:

Incident Made Safe:                      Date: 6-24-16                      Time: 11:34    A.M.     P.M.

System Pressure: 26-66                       PSI                       WC

Leak On:                      Main                       Size 6"                      Material \_\_\_\_\_  
                     Service                       Size \_\_\_\_\_                      Material \_\_\_\_\_  
                     Valve or Fitting                       Size \_\_\_\_\_                      Material \_\_\_\_\_

Dispatcher On Duty: NC471548281 - AUDETTE, CLARKE, HOLLINGSWORTH, MADSEN, CALLAHAN, JOSEPH

- |                                                      |                |                      |                    |                               |                                          |
|------------------------------------------------------|----------------|----------------------|--------------------|-------------------------------|------------------------------------------|
| <input type="checkbox"/> MnOps Contact*:             | _____          | Date: _____          | Time: _____        | A.M. <input type="checkbox"/> | P.M. <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> ND PSC Contact*: | <u>AARON M</u> | Date: <u>6-24-16</u> | Time: <u>01:30</u> | A.M. <input type="checkbox"/> | P.M. <input checked="" type="checkbox"/> |
| <input type="checkbox"/> Wisc PSC Contact            | _____          | Date: _____          | Time: _____        | A.M. <input type="checkbox"/> | P.M. <input type="checkbox"/>            |
| <input type="checkbox"/> Mich PSC Contact            | _____          | Date: _____          | Time: _____        | A.M. <input type="checkbox"/> | P.M. <input type="checkbox"/>            |
| <input type="checkbox"/> US DOT Contact*:            | _____          | Date: _____          | Time: _____        | A.M. <input type="checkbox"/> | P.M. <input type="checkbox"/>            |

MNOPS Report Number: \_\_\_\_\_  
 US DOT Report Number: \_\_\_\_\_

**Contact Telephone Numbers:**

**Minnesota (24-Hour Duty Officer, Division of Energy Management)**

Anytime                      From Metro Area                      (651) 649-5451  
 Anytime                      From Non-Metro Area                      (800) 422-0798

**ND PSC (North Dakota Public Service Commission)**

Aaron Morman (Cell) 701-220-5779.....If no one answers, then call 701-934-1020

**Wisconsin PSC – See contact list in reference manual or page 18.14.6 of the PC&S (Gas Standards) manual**  
**Michigan PSC – See contact list in reference manual or page 18.14.4 of the PC&S (Gas Standards) manual**

**U.S. D.O.T. (Washington, D.C.)**

Anytime (800) 424-8802



24. 6. 2016 12:19









# SECRETARY OF STATE NORTH DAKOTA



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## MASTER CONSTRUCTION CO., INC.

### Corporation Details

**System ID:** 1358100      **Phone:** (701) 237-4950  
**Type:** BUSINESS CORPORATION  
**Status:** Active & Good Standing  
**Original File Date:** 06/01/1973      **Effective Date:** 06/01/1973  
**State of Origin:** North Dakota

### Nature of Business

CONSTRUCTION

### Principal Office

1572 45TH ST NW PO BOX 788 FARGO, ND 58107-0788

### Registered Agent

**FRED J SCHLANSE JR**  
1572 45TH ST NW  
PO BOX 788  
FARGO, ND 58107-0788  
Established Date: Sep 08, 2004

### Authorized Shares

Class	Number	Par Value
	50000.000000	\$1.000000

### Generate an Annual Report To File

To Generate a Annual Report form to be filed with the Secretary of State, select the appropriate year of the report you intend to file. This report does not contain details of a report previously filed with the Secretary of State. The annual report years reflected are an indication of the various report forms available in this site and is not an indication that an entity needs to file reports for all years. Missing years indicate that the forms for the missing year have not yet been deployed to the website, or have already been removed, and can be obtained by contacting the Secretary of State.

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