



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Julie Fedorchak
Brian Kroshus

Executive Secretary
Darrell Nitschke

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

November 15, 2017

Marty Goulet
Wagner Construction, Inc.
National Registered Agents, Inc.
314 E Thayer Ave
Bismarck, ND 58501-4018

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

Dear Mr. Goulet:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Wagner Construction, Inc., received by the North Dakota Public Service Commission on November 8, 2017 from Paul Riely at Montana-Dakota Utilities of Williston, ND, Case Number PU-17-458. The location of the damage identified in the complaint is the intersection of Vine St and 2nd Ave E in Arnegard, 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 December 4, 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 Wagner Construction, 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 with any questions regarding this correspondence.

Sincerely,

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

Enc: ND One-Call Complaint with attachments
c: Paul Riely with attachments

2 PU-17-458 Filed 11/15/2017 Pages: 16
Letter enclosing North Dakota one-call complaint
Public Service Commission
Victor Schock



ND ONE-CALL COMPLAINT

Public Service Commission

SFN 59067 (5-17)

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 Montana-Dakota Utilities Co./Paul Riely	Street Address 121 W 8th Ave	City Williston	State and Zip Code ND. 58801
Telephone and Cell Phone Number 701-572-1614/701-516-4357	Email Address paul.riely@mdu.com		Date 8 November 2017
<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 Wagner Construction	Street Address 3153 Highway 53	City International Falls	State and Zip Code MN. 56649
Telephone and Cell Phone Number 218-283-3700	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 checked="" 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: Arnegard, North Dakota
Date and Time of Violation: 1645 hrs on 16 August 2017
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> See attached Document

PART D – DAMAGE

Fatalities NA	Injuries NA	In-patient Hospitalization NA
Underground facility type(s) and Operator(s) affected: Medium Density Polyethylene Natural Gas Distribution Main		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$568.68	Number of Customers Affected 30	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 11/8/17
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Submit

If the "Submit" function is not working properly, please print the completed form and then either **email to** ndpsc@nd.gov, **fax to** 701-328-2410 or **send to** Public Service Commission, 600 E Boulevard Ave Dept 408, Bismarck ND 58505-0480.

Telephone: (701) 328-2400



MONTANA-DAKOTA
UTILITIES CO.

A Division of MDU Resources Group, Inc.

121 W 8th Ave
Williston, ND 58801
701) 572-2152

November 8, 2017

Public Service Commission
600 E Blvd. Ave. Dept. 408
Bismarck, ND 58505-0480

To whom it may concern;

On or about 1654 hours on the 16th of August 2017, an operator of a excavator for Wagner Construction struck a two-inch natural gas distribution line interrupting service to 30 customers which were a combination of residential and commercial. Wagner Construction was digging under ticket 17085868 which was expired at the time of the damage.

The line was repaired and put back in service and the majority of customers had their service restored by 2300 hrs that night.

If you have any questions, feel free to contact me.

Sincerely

A handwritten signature in black ink that reads "Paul Riely".

Paul Riely
District Gas Operations Supervisor
(701) 572-1614
paul.riely@mdu.com

North Dakota One Call

Ticket No: 17085868
LORQ ROUTINE
Original Call Date: 07/21/17 09:28 am
Op: webusr5
Work to Begin Date: 07/25/17 09:30 am
Op: webusr5

CALLER INFORMATION

Company Name: WAGNER CONSTRUCTION INC
Fax Phone:
Contact Name: KEVIN HESSE
Phone: 218-283-3700
Alt Contact: ANDY
Alt. Phone: 320-510-2164
Caller Address: 3151 HWY 53, SUITE 1 INTERNATIONAL FALLS, MN 56649
Email Address: k.hesse@wagnerconstructioninc.com

DIG SITE INFORMATION

Type of Work: INSTALL WATER MAIN
Work Being Done For: CITY OF ARNEGARD
Depth: OVER 10FT
Explosives: N
Tunneling/Boring: N
White Lining: null

DIG SITE LOCATION

County: MCKENZIE
Place: ARNEGARD
City Limits: null
Address:
Street: VINE ST
Intersecting Street: 2ND AVE E
Location of Work: FROM THE ABOVE INTERSECTION GO SOUTH ON VINE ST TO US HWY 85 MARK ROW TO ROW THANKS
Remarks:
Map Twp: 150N
Rng: 100W
Sect-Qtr: 14-SE
Map Coord NW Lat: 47.8072533
Lon: -103.4365797
SE Lat: 47.8047601
Lon: -103.4361935

MEMBERS NOTIFIED

District	Company Name	Marking Concerns	Status
DAPL01	DAPL-ETCO OP MGT LLC	888-786- 8678	Clear/No conflict
MDU15	MONTANA DAKOTA UTILITIES	406-728- 9343	Marked
MIDCON44	MIDCONTINENT CABLE	605-271- 0202	Does not participate in Ticket Check
RSVTEL01	RESERVATION TELEPHONE	701-862- 3118	Not Complete/In Progress: Locator has spoken with the excavator and made arrangements. (Working with contractor -, -, -)

Legend: Locate Polygon

Lat/Lon



Google

50 m

Map data © 2017 Google



17085868.0 Timestamp: 7/25/2017 1:41:06 PM 1991177.3



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INVOICE

SOLD TO:

WAGNER CONSTRUCTION
3151 HWY 53 STE 1
INTERNATIONAL FALLS MN 56649

Invoice Number: 30308
Customer Number: 221598
Invoice Date: 09/05/17
Reference Number: WIL MDUG-20170817-22193
Amount Due: \$6,909.36
Due Date: 10/05/17

Return upper portion with your payment to address listed on back

Terms: Net 30 Days

Reference: 2ND AV E & VINE ST

Line	Due Date	Description	Amount
001	10/05/17	REPAIR GAS MAIN	\$6,909.36
		LOCATE# 17085868 (EXPIRED)	
		\$4,860.65 - LABOR	
		\$1,625.94 - EQUIPMENT	
		\$ 176.29 - MATERIALS	
		\$ 246.48 - GAS LOSS OF 61.45DK	
Please put invoice number 30308 on payment.			
Total	Tax Rate	Tax	Total Amount Due
\$6,909.36			\$6,909.36

Please mail payment to:
Montana-Dakota Utilities Co.
Attn: Revenue Accounting
400 North 4th Street
Bismarck, ND 58501-4092

Questions? Please call us toll-free at (800) 472-2150, EXT 7817