

Memorandum

To: Commissioners Christmann, Fedorchak and Kroshus

From: Victor Schock Public Utility Analyst

Date: January 2, 2018

Re: ND One-Call Complaint
Case No. PU-17-461

On November 13, 2017, a ND One-Call Complaint was received from Jorey Kartes with Montana-Dakota Utilities (MDU) alleging that Kamphuis Pipeline Co. (Kamphuis) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to provide required information in an excavation or location notice. On November 15, 2017 Staff forwarded the complaint to Kamphuis requesting a response by December 4, 2017.

Staff exchanged multiple emails and phone calls with both MDU and Kamphuis between December 1st and December 7, 2017. These discussions centered around the fact that neither the original complaint nor the subsequent information provided by MDU contains enough specific details to demonstrate a violation by Kamphuis. The original complaint only noted the town of Tappen, ND and a comment "Contractor is generating over excessive locates for the job to be completed and not project staked, white lined, or flagged. The orders have been generated online as project staked.". Staff communicated this lack of evidence to MDU via email and phone, advising that if we do not receive more specific and detailed information regarding the incident in question, that we would not be able to proceed with the case. Having allowed one month since the last communication to MDU, no further evidence or details regarding this case have been received.

Based on its investigation staff does not intend to file a formal complaint, recommends that no further action be taken and the case be closed.