



# 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 North Dakota One Call - Don Frye, Board President	Street Address PO Box 1015	City Bismarck	State and Zip Code ND 58502
Telephone and Cell Phone Number 701-751-1019 or 701-6101057	Email Address ryans@occinc.com		Date 3/26/2018
<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 Kraken Oil and Gas	Street Address 9821 Katy Freeway, Suite 460	City Houston	State and Zip Code TX 77024
Telephone and Cell Phone Number 713-360-7705	Email Address info@krakenoil.com		

## PART C – ALLEGED VIOLATION

- Operator failed to provide or update the information provided to the notification center on a timely basis
- Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation
- Excavator failed to provide required information in excavation or location notice
- Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation
- Notification center failed to inform the excavator of the names of operators of underground facilities in the area
- Operator failed to locate and mark underground facility within 48 hours
- Excavation started prior to underground facility locate
- Operator failed to mark underground facility within 24 inches horizontally
- Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period
- Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities
- Excavator failed to maintain the markings during excavation
- Other (identify the specific section of NDCC Chapter 49-23) 49-23-03.3.d

Location of Violation:

NA

Date and Time of Violation:

3/31/2017 to present

Description (summarize the observations on which you rely to allege the violation) *If more space is required, please provide the description on a separate page.*

49-23-03.3.d states "An operator shall participate in and share in the costs of the one-call excavation notice system by paying the costs charged by the notification center on a timely basis."

Kraken Oil and Gas has unpaid invoices dated from 3/31/2017 to present (2/28/2018) totaling \$163.00 (attached). We have made several attempts to collect from Kraken Oil and Gas including mailing and emailing (info@krakenoil.com) copies of the invoices. Most recently (February and March) we made numerous calls to their office in Houston, TX and left numerous messages for the accounts payable department. They did leave a message on February 21st indicating the email address we have on file, which is listed on their website, was incorrect but did not provide us with an updated email address. We've left numerous messages since then that have still gone unanswered.

## PART D – DAMAGE

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

## PART I – SIGNATURE

Signature of Person Filing Complaint <i>Donald Frye</i>	Date 3-27-18
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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



# ONE CALL CONCEPTS

7223 Parkway Dr. Suite 210  
Hanover, MD 21076  
(410) 712-0082

Invoice No.	7034364
Invoice Date	03/31/2017
Month of Service	March
Account #	17-KRAK01
PO #	

KRAKEN OPERATING LLC  
CHANCE SCALLY  
9821 KATY FREEWAY  
SUITE 460  
HOUSTON, TX 77450

Current Costs associated with your participation in NORTH DAKOTA ONE CALL, INC.

Description	Amount
Regular Tickets: 4 @ \$1.10	\$4.40
Volume Rebate: 4 @ \$.10	(\$0.40)
<b>TOTAL:</b>	<b>\$4.00</b>

Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets
EKRAK02	0	KRAK01	4						

North Dakota has issued a temporary volume rebate effective January 1, 2016. As long as the rebate is in effect, it will appear as a separate line item labeled Volume Rebate. You can research your ticket(s) by visiting Search and Status at <http://www.managetickets.com/morecApp/ticketSearchAndStatus.jsp?db=nd> We are now accepting E-Checks, VISA, MasterCard / Discover payments. Please go to [www.occinc.com](http://www.occinc.com) for more information. Payment is due within 45 days of invoice date.

**PAST DUE**

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**REMITTANCE COPY**

Company Name:	KRAKEN OPERATING LLC
Account Number:	17-KRAK01
Invoice Number:	7034364
Invoice Date:	03/31/2017
Amount Due:	\$4.00

**Make Check Payable to:** North Dakota One Call, Inc.  
C/o One Call Concepts, Inc.  
7223 Parkway Drive, Suite 210  
Hanover, MD 21076



# ONE CALL CONCEPTS

7223 Parkway Dr. Suite 210  
Hanover, MD 21076  
(410) 712-0082

Invoice No.	7044364
Invoice Date	04/30/2017
Month of Service	April
Account #	17-KRAK01
PO #	

KRAKEN OPERATING LLC  
CHANCE SCALLY  
9821 KATY FREEWAY  
SUITE 460  
HOUSTON, TX 77450

Current Costs associated with your participation in NORTH DAKOTA ONE CALL, INC.

Description	Amount
Regular Tickets: 5 @ \$1.10	\$5.50
Volume Rebate: 5 @ \$.10	(\$0.50)
<b>TOTAL:</b>	<b>\$5.00</b>

Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets
EKRAK02	0	KRAK01	5						

North Dakota has issued a temporary volume rebate effective January 1, 2016. As long as the rebate is in effect, it will appear as a separate line item labeled Volume Rebate. You can research your ticket(s) by visiting Search and Status at <http://www.managetickets.com/morecApp/ticketSearchAndStatus.jsp?db=nd> We are now accepting E-Checks, VISA, MasterCard / Discover payments. Please go to [www.occinc.com](http://www.occinc.com) for more information. Payment is due within 45 days of invoice date.

**PAST DUE**

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**REMITTANCE COPY**

Company Name:	KRAKEN OPERATING LLC
Account Number:	17-KRAK01
Invoice Number:	7044364
Invoice Date:	04/30/2017
Amount Due:	\$5.00

**Make Check Payable to:** North Dakota One Call, Inc.  
C/o One Call Concepts, Inc.  
7223 Parkway Drive, Suite 210  
Hanover, MD 21076



7223 Parkway Dr. Suite 210  
 Hanover, MD 21076  
 (410) 712-0082

Invoice No.	7054367
Invoice Date	05/31/2017
Month of Service	May
Account #	17-KRAK01
PO #	

KRAKEN OPERATING LLC  
 CHANCE SCALLY  
 9821 KATY FREEWAY  
 SUITE 460  
 HOUSTON, TX 77450

Current Costs associated with your participation in NORTH DAKOTA ONE CALL, INC.

Description	Amount
Regular Tickets: 17 @ \$1.10	\$18.70
Volume Rebate: 17 @ \$.10	(\$1.70)
<b>TOTAL:</b>	<b>\$17.00</b>

Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets
EKRAK02	0	KRAK01	17						

North Dakota has issued a temporary volume rebate effective January 1, 2016. As long as the rebate is in effect, it will appear as a separate line item labeled Volume Rebate. You can research your ticket(s) by visiting Search and Status at <http://www.managetickets.com/morecApp/ticketSearchAndStatus.jsp?db=nd> We are now accepting E-Checks, VISA, MasterCard / Discover payments. Please go to [www.occinc.com](http://www.occinc.com) for more information. Payment is due within 45 days of invoice date.

**PAST DUE**

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REMITTANCE COPY

Company Name:	KRAKEN OPERATING LLC
Account Number:	17-KRAK01
Invoice Number:	7054367
Invoice Date:	05/31/2017
Amount Due:	\$17.00

**Make Check Payable to:** North Dakota One Call, Inc.  
 C/o One Call Concepts, Inc.  
 7223 Parkway Drive, Suite 210  
 Hanover, MD 21076



# ONE CALL CONCEPTS

7223 Parkway Dr. Suite 210  
Hanover, MD 21076  
(410) 712-0082

Invoice No.	7064367
Invoice Date	06/30/2017
Month of Service	June
Account #	17-KRAK01
PO #	

KRAKEN OPERATING LLC  
CHANCE SCALLY  
9821 KATY FREEWAY  
SUITE 460  
HOUSTON, TX 77450

Current Costs associated with your participation in NORTH DAKOTA ONE CALL, INC.

Description	Amount
Regular Tickets: 9 @ \$1.10	\$9.90
Volume Rebate: 9 @ \$.10	(\$0.90)
<b>TOTAL:</b>	<b>\$9.00</b>

Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets
EKRAK02	0	KRAK01	9						

North Dakota has issued a temporary volume rebate effective January 1, 2016. As long as the rebate is in effect, it will appear as a separate line item labeled Volume Rebate. You can research your ticket(s) by visiting Search and Status at <http://www.managetickets.com/morecApp/ticketSearchAndStatus.jsp?db=nd> We are now accepting E-Checks, VISA, MasterCard / Discover payments. Please go to [www.occinc.com](http://www.occinc.com) for more information. Payment is due within 45 days of invoice date.

**PAST DUE**

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**REMITTANCE COPY**

Company Name:	KRAKEN OPERATING LLC
Account Number:	17-KRAK01
Invoice Number:	7064367
Invoice Date:	06/30/2017
Amount Due:	\$9.00

**Make Check Payable to:** North Dakota One Call, Inc.  
C/o One Call Concepts, Inc.  
7223 Parkway Drive, Suite 210  
Hanover, MD 21076



7223 Parkway Dr. Suite 210  
 Hanover, MD 21076  
 (410) 712-0082

Invoice No.	7074370
Invoice Date	07/31/2017
Month of Service	July
Account #	17-KRAK01
PO #	

KRAKEN OPERATING LLC  
 CHANCE SCALLY  
 9821 KATY FREEWAY  
 SUITE 460  
 HOUSTON, TX 77450

Current Costs associated with your participation in NORTH DAKOTA ONE CALL, INC.

Description	Amount
Regular Tickets: 4 @ \$1.10	\$4.40
Volume Rebate: 4 @ \$ .10	(\$0.40)
<b>TOTAL:</b>	<b>\$4.00</b>

Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets
EKRAK02	0	KRAK01	4						

North Dakota has issued a temporary volume rebate effective January 1, 2016. As long as the rebate is in effect, it will appear as a separate line item labeled Volume Rebate. You can research your ticket(s) by visiting Search and Status at <http://www.managetickets.com/morecApp/ticketSearchAndStatus.jsp?db=nd> We are now accepting E-Checks, VISA, MasterCard / Discover payments. Please go to [www.ocinc.com](http://www.ocinc.com) for more information. Payment is due within 45 days of invoice date.

**PAST DUE**

REMITTANCE COPY

Company Name:	KRAKEN OPERATING LLC
Account Number:	17-KRAK01
Invoice Number:	7074370
Invoice Date:	07/31/2017
Amount Due:	\$4.00

**Make Check Payable to:** North Dakota One Call, Inc.  
 C/o One Call Concepts, Inc.  
 7223 Parkway Drive, Suite 210  
 Hanover, MD 21076



7223 Parkway Dr. Suite 210  
 Hanover, MD 21076  
 (410) 712-0082

Invoice No.	7084372
Invoice Date	08/31/2017
Month of Service	August
Account #	17-KRAK01
PO #	

KRAKEN OPERATING LLC  
 CHANCE SCALLY  
 9821 KATY FREEWAY  
 SUITE 460  
 HOUSTON, TX 77450

Current Costs associated with your participation in NORTH DAKOTA ONE CALL, INC.

Description	Amount
Regular Tickets: 5 @ \$1.10	\$5.50
Volume Rebate: 5 @ \$.10	(\$0.50)
<b>TOTAL:</b>	<b>\$5.00</b>

Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets
EKRAK02	0	KRAK01	5						

North Dakota has issued a temporary volume rebate effective January 1, 2016. As long as the rebate is in effect, it will appear as a separate line item labeled Volume Rebate. You can research your ticket(s) by visiting Search and Status at <http://www.managetickets.com/morecApp/ticketSearchAndStatus.jsp?db=nd> We are now accepting E-Checks, VISA, MasterCard / Discover payments. Please go to [www.occinc.com](http://www.occinc.com) for more information. Payment is due within 45 days of invoice date.

**PAST DUE**

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 REMITTANCE COPY

Company Name:	KRAKEN OPERATING LLC
Account Number:	17-KRAK01
Invoice Number:	7084372
Invoice Date:	08/31/2017
Amount Due:	\$5.00

**Make Check Payable to:** North Dakota One Call, Inc.  
 C/o One Call Concepts, Inc.  
 7223 Parkway Drive, Suite 210  
 Hanover, MD 21076



7223 Parkway Dr. Suite 210  
 Hanover, MD 21076  
 (410) 712-0082

Invoice No.	7094374
Invoice Date	09/30/2017
Month of Service	September
Account #	17-KRAK01
PO #	

KRAKEN OPERATING LLC  
 CHANCE SCALLY  
 9821 KATY FREEWAY  
 SUITE 460  
 HOUSTON, TX 77450

Current Costs associated with your participation in NORTH DAKOTA ONE CALL, INC.

Description	Amount
Regular Tickets: 14 @ \$1.10	\$15.40
Volume Rebate: 14 @ \$.10	(\$1.40)
<b>TOTAL:</b>	<b>\$14.00</b>

Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets
EKRAK02	0	KRAK01	14						

North Dakota has issued a temporary volume rebate effective January 1, 2016. As long as the rebate is in effect, it will appear as a separate line item labeled Volume Rebate. You can research your ticket(s) by visiting Search and Status at <http://www.managetickets.com/morecApp/ticketSearchAndStatus.jsp?db=nd> We are now accepting E-Checks, VISA, MasterCard / Discover payments. Please go to [www.occinc.com](http://www.occinc.com) for more information. Payment is due within 45 days of invoice date.

**PAST DUE**

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 REMITTANCE COPY

Company Name:	KRAKEN OPERATING LLC
Account Number:	17-KRAK01
Invoice Number:	7094374
Invoice Date:	09/30/2017
Amount Due:	\$14.00

**Make Check Payable to:** North Dakota One Call, Inc.  
 C/o One Call Concepts, Inc.  
 7223 Parkway Drive, Suite 210  
 Hanover, MD 21076



7223 Parkway Dr. Suite 210  
 Hanover, MD 21076  
 (410) 712-0082

Invoice No.	7104376
Invoice Date	10/31/2017
Month of Service	October
Account #	17-KRAK01
PO #	

KRAKEN OPERATING LLC  
 CHANCE SCALLY  
 9821 KATY FREEWAY  
 SUITE 460  
 HOUSTON, TX 77450

Current Costs associated with your participation in NORTH DAKOTA ONE CALL, INC.

Description	Amount
Regular Tickets: 32 @ \$1.10	\$35.20
Volume Rebate: 32 @ \$.10	(\$3.20)
<b>TOTAL:</b>	<b>\$32.00</b>

Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets
EKRAK02	0	KRAK01	32						

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**PAST DUE**

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REMITTANCE COPY

Company Name:	KRAKEN OPERATING LLC
Account Number:	17-KRAK01
Invoice Number:	7104376
Invoice Date:	10/31/2017
Amount Due:	\$32.00

**Make Check Payable to:** North Dakota One Call, Inc.  
 C/o One Call Concepts, Inc.  
 7223 Parkway Drive, Suite 210  
 Hanover, MD 21076



7223 Parkway Dr. Suite 210  
 Hanover, MD 21076  
 (410) 712-0082

Invoice No.	7114378
Invoice Date	11/30/2017
Month of Service	November
Account #	17-KRAK01
PO #	

KRAKEN OPERATING LLC  
 CHANCE SCALLY  
 9821 KATY FREEWAY  
 SUITE 460  
 HOUSTON, TX 77450

Current Costs associated with your participation in NORTH DAKOTA ONE CALL, INC.

Description	Amount
Regular Tickets: 13 @ \$1.10	\$14.30
Volume Rebate: 13 @ \$.10	(\$1.30)
<b>TOTAL:</b>	<b>\$13.00</b>

Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets
EKRAK02	0	KRAK01	13						

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**PAST DUE**

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REMITTANCE COPY

Company Name:	KRAKEN OPERATING LLC
Account Number:	17-KRAK01
Invoice Number:	7114378
Invoice Date:	11/30/2017
Amount Due:	\$13.00

**Make Check Payable to:** North Dakota One Call, Inc.  
 C/o One Call Concepts, Inc.  
 7223 Parkway Drive, Suite 210  
 Hanover, MD 21076



7223 Parkway Dr. Suite 210  
 Hanover, MD 21076  
 (410) 712-0082

Invoice No.	7124378
Invoice Date	12/31/2017
Month of Service	December
Account #	17-KRAK01
PO #	

KRAKEN OPERATING LLC  
 CHANCE SCALLY  
 9821 KATY FREEWAY  
 SUITE 460  
 HOUSTON, TX 77450

Current Costs associated with your participation in NORTH DAKOTA ONE CALL, INC.

Description	Amount
Regular Tickets: 20 @ \$1.10	\$22.00
Volume Rebate: 20 @ \$.10	(\$2.00)
<b>TOTAL:</b>	<b>\$20.00</b>

Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets
EKRAK02	0	KRAK01	20						

North Dakota has issued a temporary volume rebate effective January 1, 2016. As long as the rebate is in effect, it will appear as a separate line item labeled Volume Rebate. You can research your ticket(s) by visiting Search and Status at <http://www.managetickets.com/morecApp/ticketSearchAndStatus.jsp?db=nd> We are now accepting E-Checks, VISA, MasterCard / Discover payments. Please go to [www.occinc.com](http://www.occinc.com) for more information. Payment is due within 45 days of invoice date.

**PAST DUE**

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 REMITTANCE COPY

Company Name:	KRAKEN OPERATING LLC
Account Number:	17-KRAK01
Invoice Number:	7124378
Invoice Date:	12/31/2017
Amount Due:	\$20.00

**Make Check Payable to:** North Dakota One Call, Inc.  
 C/o One Call Concepts, Inc.  
 7223 Parkway Drive, Suite 210  
 Hanover, MD 21076



7223 Parkway Dr. Suite 210  
 Hanover, MD 21076  
 (410) 712-0082

Invoice No.	8014379
Invoice Date	01/31/2018
Month of Service	January
Account #	17-KRAK01
PO #	

KRAKEN OPERATING LLC  
 CHANCE SCALLY  
 9821 KATY FREEWAY  
 SUITE 460  
 HOUSTON, TX 77450

Current Costs associated with your participation in NORTH DAKOTA ONE CALL, INC.

Description	Amount
Regular Tickets: 19 @ \$1.10	\$20.90
Volume Rebate: 19 @ \$.10	(\$1.90)
<b>TOTAL:</b>	<b>\$19.00</b>

Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets
EKRAK02	0	KRAK01	19						

North Dakota has issued a temporary volume rebate effective January 1, 2016. As long as the rebate is in effect, it will appear as a separate line item labeled Volume Rebate. You can research your ticket(s) by visiting Search and Status at <http://www.managetickets.com/morecApp/ticketSearchAndStatus.jsp?db=nd> We are now accepting E-Checks, VISA, MasterCard / Discover payments. Please go to [www.occinc.com](http://www.occinc.com) for more information. Payment is due within 45 days of invoice date.

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REMITTANCE COPY

Company Name:	KRAKEN OPERATING LLC
Account Number:	17-KRAK01
Invoice Number:	8014379
Invoice Date:	01/31/2018
Amount Due:	\$19.00

**Make Check Payable to:** North Dakota One Call, Inc.  
 C/o One Call Concepts, Inc.  
 7223 Parkway Drive, Suite 210  
 Hanover, MD 21076



7223 Parkway Dr. Suite 210  
 Hanover, MD 21076  
 (410) 712-0082

Invoice No.	8024380
Invoice Date	02/28/2018
Month of Service	February
Account #	17-KRAK01
PO #	

KRAKEN OPERATING LLC  
 CHANCE SCALLY  
 9821 KATY FREEWAY  
 SUITE 460  
 HOUSTON, TX 77450

Current Costs associated with your participation in NORTH DAKOTA ONE CALL, INC.

Description	Amount
Regular Tickets: 21 @ \$1.10	\$23.10
Volume Rebate: 21 @ \$.10	(\$2.10)
<b>TOTAL:</b>	<b>\$21.00</b>

Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets	Terminal	Tickets
EKRAK02	0	KRAK01	21						

North Dakota has issued a temporary volume rebate effective January 1, 2016. As long as the rebate is in effect, it will appear as a separate line item labeled Volume Rebate. You can research your ticket(s) by visiting Search and Status at <http://www.managetickets.com/morecApp/ticketSearchAndStatus.jsp?db=nd> We are now accepting E-Checks, VISA, MasterCard / Discover payments. Please go to [www.occinc.com](http://www.occinc.com) for more information. Payment is due within 45 days of invoice date.

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REMITTANCE COPY

Company Name:	KRAKEN OPERATING LLC
Account Number:	17-KRAK01
Invoice Number:	8024380
Invoice Date:	02/28/2018
Amount Due:	\$21.00

**Make Check Payable to:** North Dakota One Call, Inc.  
 C/o One Call Concepts, Inc.  
 7223 Parkway Drive, Suite 210  
 Hanover, MD 21076