



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Randy Christmann  
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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

March 28, 2018

Curt Olson  
Montana-Dakota Utilities  
1130 20<sup>th</sup> Ave SW  
Minot, ND 58701

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

Dear Mr. Olson:

Enclosed is a copy of a ND One-Call Complaint, against Montana-Dakota Utilities, received by the North Dakota Public Service Commission on March 27, 2018, from Conley Post, at Post Construction, Inc., of Minot, ND, Case Number PU-18-108. The location of the damage identified in the complaint is approximately the intersection of Summit Dr and Avenue A SW, Minot, 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 April 13, 2018**, 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 Montana-Dakota Utilities 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  
Public Utilities Division  
North Dakota Public Service Commission  
600 E Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480

Enc: ND One-Call Complaint  
c: Conley Post with attachments

2    **PU-18-108**    Filed: 3/28/2018    Pages: 2  
**Letter enclosing North Dakota One-Call Complaint**



**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 post construction inc	Street Address 3005 valley st	City minot	State and Zip Code nd 58701
Telephone and Cell Phone Number 701-720-6306	Email Address postconstruction@art.com		Date 3/28/2018
<input 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 montana Dakota utilities or locating rep	Street Address	City	State and Zip Code
Telephone and Cell Phone Number		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 checked="" 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 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 checked="" type="checkbox"/> Other (Identify the specific section of NDCC Chapter 49-23) operator couldn't locate, and our crews broke 2 laterals
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Location of Violation:  
summit drive minot nd

Date and Time of Violation:  
8-21-2017, and 8-22-2017 mid morning both days

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.*  
 post construction was hired to do a watermain replacement project, in 2017. a portion of project took place on summit drive, the area was located with number 17092276 originally and re marked with ave a when project moved that way. on august 21 post crews hit an old gas line service and notified mdu, who repaired while post crews remained on site and assisted, the stub line was never located and explained that it could not be, we encountered again the next day resulting in lost time and revenue for our company. we are seeking compensation for this lost time.

**PART D – DAMAGE**

Fatalities	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected: montana Dakota utilities		
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 conkey post	Date 3/27/2018
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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](mailto: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