

# Memorandum

To: Commissioners Christmann, Fedorchak and Kroshus

From: Victor Schock Public Utility Analyst

VS

Date: August 2, 2019

Re: ND One-Call Complaint  
Case No. PU-18-108

On March 27, 2018, a ND One-Call Complaint was received from Conley Post with Post Construction, Inc. (Post) alleging that Montana-Dakota Utilities (MDU) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to locate and mark its underground facilities within 24 inches horizontally.

Staff investigation found that on August 21-22, 2017 Post conducted excavations at 810 and 814 Summit Dr in Minot, ND. Post was working under locate ticket 17092276 which was valid for the time and location of the excavations. During these excavations, Post struck two unmarked and unused 1" service lines operated by MDU. MDU's response to the complaint asserted that the unmarked lines were not locatable due to their age and design. The lines were older vintage steel service lines that were capped off approximately 10-12 feet away from the main line. This makes them difficult to locate using traditional locate equipment.

In consideration of the above details, staff does believe MDU failed to locate and mark its underground facilities, however at present staff does not have a prescribed action that MDU could have taken to prevent the incidents. Additionally, the time period in which an administrative action must be commenced in North Dakota is two years from the date of the incident. Since these incidents occurred more than two years ago, staff believes we do not have a basis to continue the investigation.

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.

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Public Service Commission Staff

Victor Schock