

Memorandum

To: Commissioners Christmann, Fedorchak and Kroshus

From: Victor Schock Public Utility Analyst (VS)

Date: October 12, 2018

Re: ND One-Call Complaint
Case No. PU-18-187

On May 29, 2018, a ND One-Call Complaint was received from Michael Knight (Michael) from Watford City, ND alleging that Carstensen Contracting, Inc. (Carstensen) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to provide an excavation notice at least 48 hours before beginning an excavation, failing to provide required information in excavation or location notice, and starting an excavation prior to underground facility locate.

The complaint listed no specific details of the incident, only stating "Failure to modify tickets after changing scope of work. Digging without proper one call ticket submitted. Digging before all companies have a positive response. Tampering with staked route." It also listed a date and location of May 5th, 2018 at 4652 ND-1806, Watford City, ND. Due to the minimal information, staff sent an email to Michael requesting additional details of the incident on May 29, 2018. As of October 12, 2018, no response has been received.

On June 13, 2018, staff forwarded the complaint to Carstensen requesting a response by June 27, 2018. Carstensen's June 27, 2018 response asserts that they did not have any of their employees working in this area on May 5th, 2018.

On August 1, 2018, staff forwarded Carstensen's response to Michael requesting his response to their assertions and again asking for additional details of the incident. As of October 12, 2018, no response has been received.

On September 14, 2018, staff sent another follow up email to Michael requesting the same information. As with the others, as of October 12, 2018, no response has been received.

Based on the lack of response and details from the complainant in this proceeding, staff does not believe there is enough evidence to prove a violation by Carstensen of the ND One-Call law.

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.