



Public Service Commission  
State of North Dakota

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August 28, 2018

Renee Fetzer  
1951A 29<sup>th</sup> Ave NW  
Max, ND 58759-9643

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

Dear Renee:

Enclosed is a copy of a ND One-Call Complaint, with attachment, against Garrison Rural Water District, received by the North Dakota Public Service Commission on August 27, 2018, from Aaron Weisenburger, of Bismarck, ND, Case Number PU-18-310. The location of the incident identified in the complaint is approximately 4949 Misty Lane, Garrison, 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 September 12, 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 Garrison Rural Water District 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 with attachments  
c: Aaron Weisenburger with attachment

2 PU-18-310 Filed: 8/28/2018 Pages: 3  
Letter enclosing North Dakota One-Call Complaint

Public Service Commission  
Victor Schock



### ND ONE-CALL COMPLAINT

Public Service Commission

SFN 59087 (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 Aaron Weisenburger	Street Address 505 1/2 W. Ingals Ave.	City Bismarck	State and Zip Code ND 58504
Telephone and Cell Phone Number 701-202-7245	Email Address		Date 8/27/18

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 Garrison Rural Water	Street Address 4034 ND-37	City Garrison	State and Zip Code ND 58540
Telephone and Cell Phone Number 701 463 7278	Email Address		

#### 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) *Fail to show up for ONE CALL*

##### Location of Violation:

4849 Misty Lane, Garrison ND 58540

##### Date and Time of Violation:

June/July - Oct. 2017

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.*

*My first two One Calls, tickets # 17071521, 17006994, 17152741, not sure of the 4th number Garrison Rural Water did not show up for. The 1,2,3,4 calls never had a response on the ticket information on whether they looked at them in the time required. Because no one showed up and marked the property, construction started. On the Third One Call, they had from Garrison Rural water showed up, stopped construction after I spent over \$30,000, and said we could not build there, did not matter if we called for a ONE CALL. They had an easement and nothing else happened. After two days, GRW determined that the line was not in the way because they could not find it and digging commenced. My contractor found the line 22" from where GRW presumed it to be. All the underground construction has stopped up to this current day. This easement has never been recorded with the county recorder even after all these problems. The president of GRW says its my fault because I never hired a surveyor prior to purchase, and once again they have an easement and nothing else matters. So the surveyor for the seller of the lots can not find the line, their own people can not find the line, but I should have found the line. Really!*

#### PART D - DAMAGE

Fatalities NA	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected:		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ <i>\$3-4000 for moving line, loss of property value and use.</i>		Number of Customers Affected 1
Other impact of event: <i>GRW new about this development in 2015 when the North/South line was tapped into and did not record it then, but recorded the east/West line along that road. They new there was a line there because they showed up to mark it on the third ONE CALL and stopped construction. They still have not recorded the line as of the time of this writing. The attitude from the President of the board is "we have an easement, not our problem", then why even bother with the 811 call. They just dont get it and everyone else gets to pay.</i>		
Please attach photos of Event Area or Damaged Facility		

#### PART I - SIGNATURE

Signature of Person Filing Complaint Aaron Weisenburger	Date 8/27/18
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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](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

*So GRW never recorded the line when it was completed in the winter. They still have not recorded it. So when the Banks, Surveyors,*



Title Companies do their searches, property values and decisions to purchase are being based off what has been recorded with county. GRW has had plenty of chances and time to notify the recorder's office of this line and they choose not to. No one can find the line including them (GRW). That's their fault, period. T

When I asked Hjelmer Carlson, the president of GRW Board how anyone could find it if it was never recorded, he went back to it's not their problem, they have an easement, do not have to respond to one calls, but always do. He does not even know what is going on and I don't even believe he knows which line we are talking about. He said I had plenty of chances to get out of the property, so quit complaining. I was offered a different property until they realized I had over \$3000<sup>00</sup> tied in dirt work and another \$7000<sup>00</sup> in sewer parts, which have not been installed and can be moved, but the deal was not going happen because the previous owner was not going to give me anything for it.

Had GRW showed up, marked the line in the first place, I would be dealing with the seller only. The construction would have never began. The attitude of the top of GRW president is "We have an easement, don't have to show up for one calls, and don't have to follow up when new info is available and record lines they know have not been recorded", what am I left to do. The previous person at GRW that I dealt with was named Marty. I expressed to him that I didn't want to file a claim with PSC, and wanted to work it out. Everything has to be done to GRW terms, they act like they are the Judge and Jury and they did everything wrong. Will not change, and ask the people. they still don't know where their lines are.