

# Memorandum

To: Commissioners Christmann, Fedorchak and Kroshus

From: Victor Schock Public Utility Analyst

VS

Date: September 11, 2018

Re: ND One-Call Complaints  
Case Nos. PU-18-330 and PU-18-331

On September 6, 2018, two ND One-Call Complaints were received from Krystal Jose with Rhino Contracting, Inc. (Rhino) alleging that Summit Utility Services LLC (Summit) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to locate and mark underground facilities within 48 hours.

Staff discussion with Rhino found that Summit was in fact a contract locator and not an underground facility operator as defined in North Dakota Century Code. Staff informed Rhino that if complaints on the alleged incidents were to proceed, they would need to be filed against the underground facility operator, which is CenturyLink Communications (CenturyLink) in these cases.

Rhino informed Staff that they do not wish to file complaints against CenturyLink due to their ongoing business relationship and will inform CenturyLink of the incidents.

Based on its investigation staff does not intend to file a formal complaint, recommends that no further action be taken, and the cases be closed.

2 **PU-18-331** Filed: 9/11/2018 Pages: 1  
**Memorandum**

Public Service Commission Staff  
Victor Schock

2 **PU-18-330** Filed: 9/11/2018 Pages: 1  
**Memorandum**

Public Service Commission Staff  
Victor Schock