

Memorandum

To: Commissioners Christmann, Fedorchak and Kroshus

From: Victor Schock Public Utility Analyst 

Date: November 1, 2018

Re: ND One-Call Complaint
Case No. PU-18-370

On October 23, 2018, a ND One-Call Complaint was received from Warren Colby, a landowner from Voltaire, ND, 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 24 inches horizontally.

Staff discussion with Mr. Colby found that Summit was in fact a contract locator and not an underground facility operator as defined in North Dakota Century Code. Staff informed Mr. Colby that if a complaint on the alleged incident were to proceed, he would need to file the complaint against the underground facility operator, which is Verendrye Electric Cooperative, Inc.(Verendrye) this case.

Mr. Colby has refiled the complaint against Verendrye under case PU-18-374 which is currently in the investigation stage.

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.