



ND ONE-CALL COMPLAINT

Public Service Commission

SFN 59067 (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 Barnes Rural Water District/Perry Kapaun	Street Address 421 West Main Street	City Valley City	State and Zip Code ND 58072
Telephone and Cell Phone Number 701-845-1117 & 701-490-1797	Email Address brwd@brwd.org		Date 11-7-2018
<input type="checkbox"/> 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 MP Nexlevel LLC/Kelly Smith	Street Address 500 County RD 37 E	City Maple Lake	State and Zip Code MN 55358
Telephone and Cell Phone Number 320-963-2870 & 320-402-4884		Email Address ksmith@mpnexlevel.com	

PART C – ALLEGED VIOLATION

<input type="checkbox"/> Operator failed to provide or update the information provided to the notification center on a timely basis <input type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation <input type="checkbox"/> Excavator failed to provide required information in excavation or location notice <input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation <input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area <input type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours <input type="checkbox"/> Excavation started prior to underground facility locate <input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally <input type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period <input checked="" type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities <input type="checkbox"/> Excavator failed to maintain the markings during excavation <input checked="" type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) <u>Did not try to find line (pothole)</u>
Location of Violation: LaMoure county, Greenville TWP sec 3 SE and Ransom County, Ft. Ransom TWP sec 10 SE
Date and Time of Violation: 9-11-18 @ 2:30 pm and 9-17-18 @ 5 pm
Description (summarize the observations on which you rely to allege the violation) <i>If more space is required, please provide the description on a separate page.</i> The first hit they hit a big rock with plow and went to the side and dug an 8 foot hole to bury said rock and hit our line. Under ND One call Rural Water pre 2013 to locate to best of our ability, plus they were deeper than there ticket said. The second hit BRWD line came from easement into RW for 1000 feet. When contractor came to this 1000 feet they did not pot hole the water line. When I inspected with Brian Steiner (KLJ Engineer) the next day 3 out of the 4 BRWD flags and paint wire on target.

PART D – DAMAGE

Fatalities	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected: 2" and 4" water mains		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$5,515.57		Number of Customers Affected 150
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Perry Kapaun		Date 11-7-2018
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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, **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