

# Memorandum

To: Commissioners Christmann, Fedorchak and Kroshus

From: Victor Schock Public Utility Analyst (VS)

Date: May 31, 2019

Re: ND One-Call Complaint  
Case No. PU-18-409

On December 4, 2018, a ND One-Call Complaint was received from Lisa Kallberg with Xcel Energy (Xcel) alleging that Border States Paving, Inc. (Border States) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to conduct its excavation in a careful and prudent manner.

Staff investigation found that the excavator in the alleged incident was actually B.G. Amundson Construction (BG) rather than Border States. Xcel agreed with this finding and has since submitted a new complaint against BG.

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.