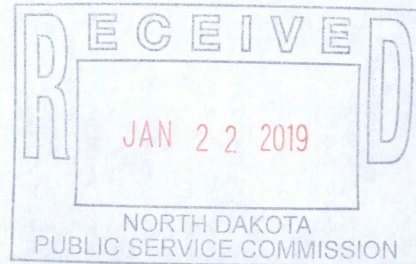


January 17<sup>th</sup>, 2019

Attn: Darrell Nitschke, Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard Ave, Dept 408  
Bismarck, ND 58505



Re: ND One-Call Excavation Notice System: ND Century Code Chapter 49-23  
4<sup>th</sup> Street South and 12<sup>th</sup> Ave South Fargo ND

*Case # PU-18-413*

Dear Mr. Schock:

This letter is in response to your letter dated January 2<sup>nd</sup>, 2019 and complaint file by Lisa Kallberg at Xcel Energy.

KPH was performing grading for the new street to be installed. KPH had a locate ticket #18074317 and performed work once the ticket was clear. This incident happened after the heavy rains occurred in the first part of July. KPH located the 3-phase power numerous times as we crossed under it with our pipe installation. When KPH grading crew was performing the disking, they were aware of the depth in the middle of the road and where using caution by lifting the disk up over the line.

**KPH response to Part C – Alleged Violation**

KPH did perform proper and careful manner to try and preserve the electrical line. Unfortunately, the line didn't have a continuous depth from what KPH found and the tractor disk caught the line at a very shallow depth on the edge of the road.

**KPH response to description of summary of violation**

KPH is disputing that the line was never properly buried and could have caused harm to anyone that was performing this work. KPH is also disputing that this violation does not fall under the ND One Call Complaint form.

Cordially,

*Eric Merhiy*

Eric Merhiy  
President

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Response to North Dakota One-Call Complaint

KPH, Inc.  
Eric Merhiy, President

