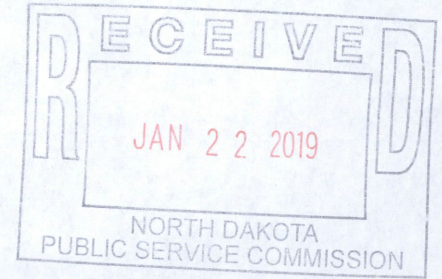


January 17th, 2019

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
1101 4th Street South Fargo ND

Case # PU-18-414

Dear Mr. Schock:

This letter is in response to your letter dated January 2nd, 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. As the pictures reference the site conditions. KPH spot checked and found the gas main numerous times prior to the incident so we were aware of those locations. However, the gas main didn't run at a continuous depth. KPH was taking caution when driving over the line with the tractor disk and raising the disk up going over the line.

KPH response to Part C – Alleged Violation

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

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

