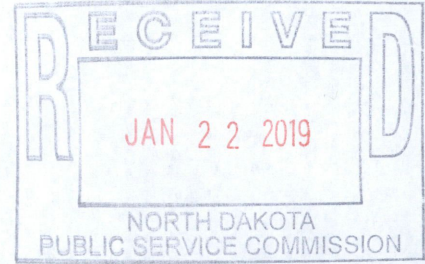


January 17th, 2019

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
714 4th Street South Fargo ND

Case # PU-18-415

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 installed a new sanitary sewer service line to the residential house. KPH performed a locate ticket #18123742 and performed work once the locate was clear. The existing sanitary sewer line was located under a large full-grown tree that was not able to be removed. The tree had a large root ball that was entwined with the gas service line. KPH performed hand digging and probing to find the gas service. The gas service was found prior to its damage but was damaged with the removal of the tree roots.

KPH response to Part C – Alleged Violation

KPH did perform proper and careful manner to expose the line. The line was damaged do to the nature of the tree's root ball that was wrapped around the line.

KPH response to description of summary of violation

KPH is not disputing that the line was damaged as a result of us removing the root ball. KPH is disputing that this complaint doesn't fall under the ND One Call violation as KPH performed everything in its power to preserve the line to the best of our ability. The nature of the root ball was unknown when KPH crews were removing the roots.

Cordially,

Eric Merhiy

Eric Merhiy
President

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Response to North Dakota One-Call Complaint

KPH, Inc.
Eric Merhiy, President

