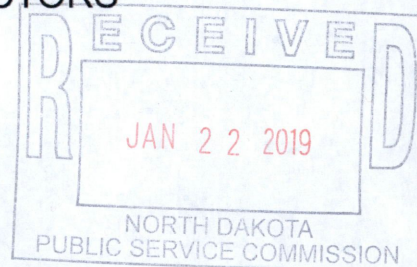


January 17<sup>th</sup>, 2019

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  
703 4<sup>th</sup> Street South Fargo ND

*Case # PU-18-417*

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 installed two new sanitary sewer services in the road right away at a depth of 18' feet. KPH providing trench safety and proper excavation shoring to perform the work. Prior to excavation KPH performed a ND One Call ticket #18123742 and update ticket #18133425. After the locate was clear KPH was aware of two gas service lines that were directly in the way of KPH performing the work. KPH notified Chadrick with Xcel Energy on September 19<sup>th</sup> at 7AM to cap the lines while KPH performed the work. At the time Xcel was not able to perform this work so KPH took caution during the excavation. After the completion of work KPH was removing the trench boxes and a cave in happen causing the gas lines to break. At no point in time would KPH be able to support the lines during the removal of the shoring and this resulted in an act of God that was out of KPH control.

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

KPH notified Xcel Energy prior to the start of work of the situation that we had concerns with. At no point in time could KPH perform supporting of the lines during the trench shoring removal which resulted in the lines being damaged.

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

KPH is not disputing that the lines where damaged as a result of us removing the trench box. 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 lines to the best of our ability.

Cordially,

*Eric Merhiy*

Eric Merhiy  
President

3 **PU-18-417** Filed: 1/22/2019 Pages: 1  
Response to North Dakota One-Call Complaint

KPH, Inc.  
Eric Merhiy, President

