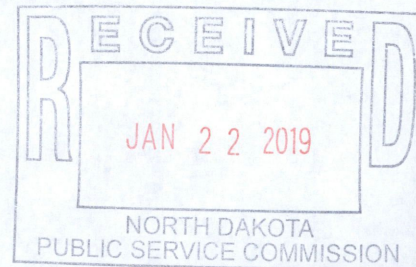


January 17th, 2019

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
402 9th Ave. South Fargo ND

Case # PU-18-418

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 removal of the existing asphalt street. KPH performed a locate #18103629 and began work once the ticket was clear. KPH observed the markings on the pavement and took caution around the gas service. During the pavement removal the line was damaged as the service line was directly under the pavement. No proper burry depth was ever considered when installing this gas line.

KPH response to Part C – Alleged Violation

KPH did perform proper and careful manner to try and expose the line. The only way to expose the line is that the existing street needed to be removed. Unfortunately, the line was never buried properly under the pavement and when removed the line was damaged.

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. When a line is under a solid surface there is no way to locate it prior to the removal. Xcel Energy should have shown caution of this line and the minimal depth that it was installed at.

Cordially,

Eric Merhiy

Eric Merhiy
President

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Response to North Dakota One-Call Complaint

KPH, Inc.
Eric Merhiy, President

