



Public Service Commission
State of North Dakota

COMMISSIONERS

Randy Christmann
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Executive Secretary
Darrell Nitschke

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Bismarck, North Dakota 58505-0480
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Fax: 701-328-2410
TDD: 800-366-6888 or 711

January 2, 2019

Gladen Construction, Inc.
Aaron Gladen
C/O Search Company of North Dakota, LLC
1709 N 19th St, Suite 3
Bismarck, ND 58501-2121

Re: ND One-Call Excavation Notice System: North Dakota Century Code Chapter 49-23

Dear Aaron:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Gladen Construction, Inc., received by the North Dakota Public Service Commission on December 4, 2018, from Lisa Kallberg at Xcel Energy, of St. Paul, MN, Case Number PU-18-420. The location of the damage identified in the complaint is approximately the intersection of 29th Ave W and Sheyenne St, West Fargo, ND.

I am sending you this information so that you are aware of the complaint and may respond with information concerning the complaint. **Please respond to Darrell Nitschke, Executive Secretary, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by January 17, 2019**, with your written account of the event, including the applicable One Call locate ticket number for work performed at the address indicated.

Your response and the ND One-Call Complaint will be reviewed to determine whether there may be a violation of the One-Call Excavation Notice System law.

If I do not receive a response by the date noted, I will determine whether there was a violation, without your side of the story, based on the facts contained in this complaint. If I conclude a violation did occur I will file a formal complaint against Gladen Construction with the Commission, which may result in a penalty up to \$25,000 per violation as approved by the North Dakota Legislative Assembly in 2013 under North Dakota Century Code Section 49-07-01.1.

Please contact me at 701-328-3397 or at vschock@nd.gov with any questions regarding this correspondence.

Sincerely,

Victor Schock
Public Utilities Division
North Dakota Public Service Commission
600 E Boulevard Ave, Dept 408
Bismarck, ND 58505-0480

Enc: ND One-Call Complaint with attachments
c: Lisa Kallberg with attachments

2 **PU-18-420** Filed: 1/2/2019 Pages: 3
Letter enclosing North Dakota One-Call Complaint



ND ONE-CALL COMPLAINT

Public Service Commission

SFN 59067 (5-17)

To allege a violation of the One-Call Excavation Notice System Law: North Dakota Century Code Chapter 49-23

PART A – WHO IS SUBMITTING THIS COMPLAINT (COMPLAINANT)

Company/Person Lisa Kallberg	Street Address 825 Rice St	City St. Paul	State and Zip Code MN 55117
Telephone and Cell Phone Number 651-229-2282, 651-788-0648	Email Address elisabeth.m.kallberg@xcelenergy.com		Date December 6, 2018
<input checked="" type="checkbox"/> Complainant is willing and able to testify on the complaint if matter goes to formal hearing			

PART B – WHO VIOLATED THE ONE-CALL REGULATIONS (RESPONDENT)

Company/Person Gladen Construction	Street Address 40739 US Hwy 71	City Laport	State and Zip Code MN 56461
Telephone and Cell Phone Number 218-224-2237	Email Address gotes@gladenconstructioninc.com		

PART C – ALLEGED VIOLATION

<input type="checkbox"/> Operator failed to provide or update the information provided to the notification center on a timely basis <input type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation <input type="checkbox"/> Excavator failed to provide required information in excavation or location notice <input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation <input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area <input type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours <input type="checkbox"/> Excavation started prior to underground facility locate <input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally <input type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period <input checked="" type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities <input type="checkbox"/> Excavator failed to maintain the markings during excavation <input type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____
Location of Violation: 29 Ave W and Sheyenne St West Fargo, ND
Date and Time of Violation: September 10, 2018 approximately 3:00 pm
Description (summarize the observations on which you rely to allege the violation) <i>If more space is required, please provide the description on a separate page.</i> Gladen Construction was installing new sewer when they hit an accurately marked 6" PE Main with a backhoe. The contractor should of properly hand dug within 24" of the properly marked utility. No marks remained, Les from Gladen construction informed me that they GPS all locates. The ticket was also expired.

PART D – DAMAGE

Fatalities 0	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: Xcel Energy 8 inch PE natural gas main		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$2736	Number of Customers Affected 0	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Lisa Kallberg	Date December 6, 2018
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Submit

If the "Submit" function is not working properly, please print the completed form and then either **email** to ndpsc@nd.gov, **fax** to 701-328-2410 or **send** to Public Service Commission, 600 E Boulevard Ave Dent 408 Bismarck ND 58505-0480

Telephone: (701) 328-2400

1 PU-18-420 Filed: 12/6/2018
North Dakota One-Call Complaint

Pages: 2

Northern States Power Company

Lisa Kallberg

