



Public Service Commission

State of North Dakota

COMMISSIONERS

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July 2, 2019

Steve Kahl
Interim Executive Director
ND Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

via Hand Delivery

Re: Case No. PU-19-22
Public Service Commission
Crawford's Construction, Inc.
Damage Prevention Enforcement

Dear Mr. Kahl:

Enclosed is a copy of the Consent Agreement to be filed in the above captioned case.

Best Regards,

Victor Schock
Advocacy Staff

Enclosure

4 **PU-19-22** Filed: 7/2/2019 Pages: 5
Consent Agreement

Public Service Commission Advocacy Staff

Victor Schock, Advocacy Staff

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION,)	
)	
Complainant,)	Case No. PU-19-22
)	
vs.)	
)	CONSENT AGREEMENT
Crawford's Construction, Inc.,)	
)	
Respondent .)	

Preliminary Statement

This Consent Agreement is entered into by and between Crawford's Construction, Inc. (Crawford) and the Public Service Commission Advocacy Staff (Staff) (together, the "Parties") for resolution of Docket No. PU-19-22.

On January 15, 2019, the Commission received a ND One-Call Complaint from Kinder Morgan (KM). The complaint alleged a violation by Crawford of North Dakota Century Code section 49-23-04(6)(g) for failure to renew excavation or location request prior to the expiration of the twenty-one day period.

North Dakota Century Code section 49-23-04(6)(g) provides that "An excavator may not use a location more than twenty-one days, or any extension of that period, after the planned excavation date unless the excavator has made previous arrangements with the operators affected.

Having investigated the alleged violation, Staff found that on November 29, 2018 Crawford called in an excavation notice with a work to begin date of December 4, 2018 in the location referenced in the complaint. The notification center assigned ticket number 18169795 to the notice. Per ND Century Code 49-23-04(6)(g) the expiration date of the ticket was December 25, 2018. On January 8, 2019 Crawford conducted an excavation as defined in ND Century Code 49-23-01(7) in the location identified in both the complaint and the location notice. There was no agreement between Crawford and KM or any other operator that would have relieved Crawford of its obligation to request a relocate request prior to commencing excavation at this location. With this in mind Staff believes Crawford violated North Dakota Century Code section 49-23-04(6)(g).

Crawford and Staff engaged in good faith settlement discussions resulting in this Consent Agreement. Having agreed that settlement of this proceeding will avoid further administrative proceedings or litigation and that entry of this Consent Agreement is the most appropriate means of resolving this administrative action, Staff and Crawford agree to the following, subject to the approval and acceptance of the Commission:

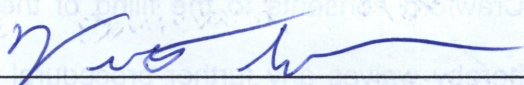
1. Crawford violated North Dakota Century Code section 49-23-04(6)(g) by failing to renew an excavation or location request prior to the expiration of the twenty-one day period.
2. Crawford agrees to be assessed a civil penalty of \$500, payable to the North Dakota Public Service Commission within ten business days of service of an Order Adopting Consent Agreement (Order). Staff agrees no other proceeding will be

initiated and no other remedy or penalty will be sought based on the violations alleged in the case.

3. Crawford consents to the filing of the Consent Agreement and an Order and hereby waives any further procedural requirements with respect to the Order's issuance. Provided the Public Service Commission adopts this Consent Agreement and issues an Order consistent with it, Crawford understands and agrees to waive all rights to contest the violation, the right to be represented by counsel, the right to present evidence and arguments to the Commission, the right to cross examine witnesses, or contest the validity of this Consent Agreement and Order Adopting this Consent Agreement, including all rights to administrative or judicial hearings or appeals.
4. There are no covenants, promises, undertakings, or understandings other than specifically set forth in this Agreement and Order.
5. This agreement may be executed in counterparts and duplicate copies, each which shall be deemed to be an original, and which, when taken together, shall constitute one and the same instrument.
6. The undersigned is authorized to act on behalf of Crawford and bind Crawford for purposes of this Consent Agreement, and knows and fully understands the content and effect.

Dated this 2nd day of July, 2019

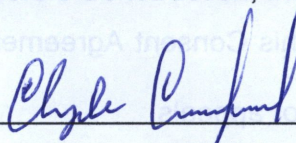
PUBLIC SERVICE COMMISSION
ADVOCACY STAFF – DAMAGE PREVENTION

By: 

Victor Schock
Advocacy Staff
Public Service Commission
12th Floor, Dept. 408
600 Boulevard Ave.
Bismarck, ND 58505-0480

Dated this 26th day of June, 2019

Crawford's Construction, Inc.

By:  (Owner/Pres.)

{insert name and title}