



Public Service Commission
State of North Dakota

COMMISSIONERS

Brian Kroshus
Julie Fedorchak
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600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

April 4, 2019

Muriel O Close
Dakota Services
PO BOX 921
Watford City, ND 58854-0921

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

Dear Ms. Close:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Dakota Services, received by the North Dakota Public Service Commission on April 1, 2019, from Juelie Bancroft at the City of Arnegard, ND, Case Number PU-19-113. The location of the incident identified in the complaint is approximately 215 Frontage Road, Arnegard, 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 Executive Secretary, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by April 18, 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 Dakota Services 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 2 PU-19-113 Filed 04/04/2019 Pages: 6
c: Juelie Bancroft with attachments Letter enclosing North Dakota One-Call Complaint
Public Service Commission
Victor Schock



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 <i>City of Arnegard</i>	Street Address <i>211 Frontage RD</i>	City <i>Arnegard</i>	State and Zip Code <i>ND 58835</i>
Telephone and Cell Phone Number <i>701-586-3453 701-783-6611</i>	Email Address <i>j.bancroft@nd.gov</i>		Date <i>4/1/19</i>
<input 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 <i>Dakota Services / Munic/Clso</i>	Street Address <i>215 Frontage RD</i>	City <i>Arnegard</i>	State and Zip Code <i>ND 58835</i>
Telephone and Cell Phone Number		Email Address	

PART C - ALLEGED VIOLATION

<input checked="" type="checkbox"/> Operator failed to provide or update the information provided to the notification center on a timely basis <input checked="" type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation <input checked="" 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 checked="" 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 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: <i>215 Frontage RD</i>
Date and Time of Violation: <i>3-29-19 Excavation began 4/1/19 @ 9:42am hole still open</i>
Description (summarize the observations on which you rely to allege the violation) If more space is required, please provide the description on a separate page.

PART D - DAMAGE

Fatalities	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected:		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$		Number of Customers Affected
Other Impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I - SIGNATURE

Signature of Person Filing Complaint <i>J. Bancroft</i>	Date <i>4/1/19</i>
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Submit

If the "Submit" function is not working properly, please print the cc fax to 701-328-2410 or send to Public Service Commission, 600

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PU-19-113 Filed: 4/1/2019
 North Dakota One-Call Complaint

Pages: 2

Telephone: (701) 328-2400

City of Arnegard

J. Bancroft

To whom it may concern:

On Friday March 29, 2019, I received a phone call in the afternoon asking if the people located at 215 Frontage Road, Arnegard, ND had any permits to be excavating on said property. I informed the President of my City Council that they did not have any permits.

Previously, Ray Close whom has power of attorney over any business affairs dealing with Dakota Services and his mother Muriel Close, had submitted a drawing to the City to attempt to connect the coffee shop on said property to City water and/or sewer. He was informed that he would need to have a professional do plans and specs for said property as what he had submitted would not be enough. A review letter was emailed to the Company on January 30, 2019.

Over the course of the past couple days I have received pictures of the work that has been being done, but yet there has been no one call tickets received by the City and there are no flags showing where utilities are located.

Currently as of this morning there is a open hole located just north of the coffee shop.





