



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian Kroshus
Julie Fedorchak
Randy Christmann

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

May 17, 2019

Kenneth Farden
Farden Construction, Inc.
9076 County Road 17B
Maxbass, ND 58760-9785

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

Dear Kenneth:

Enclosed is a copy of a ND One-Call Complaint against Farden Construction, Inc., received by the North Dakota Public Service Commission on May 17, 2019, from Brady Carpenter at North Prairie Rural Water District, of Minot, ND, Case Number PU-19-182. The location of the incident identified in the complaint is approximately Highway 83 bypass in Minot, 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 May 31, 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 Farden Construction, Inc. 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
c: Brady Carpenter with attachments

- 2 PU-19-184 Filed 05/17/2019 Pages: 4
Letter enclosing North Dakota One-Call Complaint
Public Service Commission Staff
Victor Schock
- 2 PU-19-183 Filed 05/17/2019 Pages: 4
Letter enclosing North Dakota One-Call Complaint
Public Service Commission Staff
Victor Schock
- 2 PU-19-182 Filed 05/17/2019 Pages: 4
Letter enclosing North Dakota One-Call Complaint
Public Service Commission Staff
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 North Prairie Rural Water District/Brady Carpenter	Street Address 3811 Burdick Expy E	City Minot	State and Zip Code ND 58701
Telephone and Cell Phone Number 701-852-1886, 701-833-5268	Email Address brady@nprwd.com		Date 5-17-2019
<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 FARDEN CONSTRUCTION INC/RYAN ROSTAD	Street Address 9035 County Road 17B	City Maxbass	State and Zip Code ND 58760
Telephone and Cell Phone Number 701-268-3127, 701-201-0623	Email Address fardenconstruction@srt.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 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 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 checked="" type="checkbox"/> Other (Identify the specific section of NDCC Chapter 49-23) <u>49-23-04. Excavation. 2. Site Identification</u>
Location of Violation: Minot, ND Street: HWY 83/ HWY 83 Bypass
Date and Time of Violation: 5-15-2019, 03:54 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> Locate Ticket No: 19040190, White Lining: white lining listed as other and contractor informed utility locator that there is not any white lining present. 49-23-04. Excavation. 2. Unless otherwise exempted, the ticket request must include site identification information by one or more of the following means: white marking, digital white lining, project staking, geographic information system shape file, detailed drawing, map, or other means agreed upon by the parties to the ticket. Site identification under this subsection is not required if:

PART D – DAMAGE

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

PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 5-17-2019
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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 Dept 408, Bismarck ND 58505-0480.

Telephone: (701) 328-2400



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Telephone and Cell Phone Number 701-268-3127, 701-201-0623	Email Address fardenconstruction@srl.com		

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Location of Violation: Minot, ND Street: HWY 83/ HWY 83 Bypass
Date and Time of Violation: 5-15-2019, 03:55 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> Locate Ticket No: 19040191, White Lining: white lining listed as other and contractor informed utility locator that there is not any white lining present. 49-23-04. Excavation. 2. Unless otherwise exempted, the ticket request must include site identification information by one or more of the following means: white marking, digital white lining, project staking, geographic information system shape file, detailed drawing, map, or other means agreed upon by the parties to the ticket. Site identification under this subsection is not required if:

PART D – DAMAGE

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

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Signature of Person Filing Complaint 	Date 5-17-2019
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Location of Violation: Minot, ND Street: HWY 83/ HWY 83 Bypass
Date and Time of Violation: 5-15-2019, 03:56 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> Locate Ticket No: 19040192, White Lining: white lining listed as other and contractor informed utility locator that there is not any white lining present. 49-23-04. Excavation. 2. Unless otherwise exempted, the ticket request must include site identification information by one or more of the following means: white marking, digital white lining, project staking, geographic information system shape file, detailed drawing, map, or other means agreed upon by the parties to the ticket. Site identification under this subsection is not required if:

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