

Memorandum

To: Commissioners Kroshus, Christmann and Fedorchak

From: Victor Schock Public Utility Analyst 

Date: June 19, 2019

Re: ND One-Call Complaint
Case Nos. PU-19-182, PU-19-183 and PU-19-184

On May 17, 2019, three ND One-Call Complaints were received from Brady Carpenter with North Prairie Rural Water District (NPRWD) alleging that Farden Construction, Inc. (Farden) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to provide required information in an excavation or location notice.

Staff received two responses each from Farden and NPRWD between the time the complaint was filed and June 11, 2019.

Staff investigation found that on May 15, 2019 Farden called in 3 excavation notices. Each of the notices referenced 'Other' as the white lining type. NPRWD assertion is that Farden did not have any white lining and is therefore in violation of the ND One Call law. Farden's response asserted that there was project staking in place at the excavation locations. Per ND Century Code 49-23-04(2) project staking is an acceptable form of white lining. After additional follow up with both NPRWD and Farden staff was able to confirm that the project staking was in place at the time the excavation notice was placed, which fulfills the requirement in the law.

Based on its investigation staff does not intend to file formal complaints, recommends that no further action be taken and the cases be closed.

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