



Public Service Commission State of North Dakota

COMMISSIONERS

Brian Kroshus
Julie Fedorchak
Randy Christmann

August 28, 2019

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

Darby Hanson
Hanson's Concrete Masonry & Landscaping, LLC
205 Park Ave W
Watford City, ND 58854-3265

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

Dear Darby:

Enclosed is a copy of a ND One-Call Complaint, against Hanson's Concrete Masonry & Landscaping, LLC, received by the North Dakota Public Service Commission on August 27, 2019, from Paul Riely at Montana Dakota Utilities, of Williston, ND, Case Number PU-19-303. The location of the damage identified in the complaint is approximately 109 3rd St SW, Watford City, 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 September 12, 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 Hanson's Concrete Masonry & Landscaping, LLC 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: Paul Riely

2 **PU-19-303** Filed: 8/28/2019 Pages: 2
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 Montana-Dakota Utilities Co.	Street Address 121 W 8th Ave	City Williston	State and Zip Code ND 58801
Telephone and Cell Phone Number 701-572-1614/701-516-4357	Email Address paul.riely@mdu.com	Date 14 August 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 Hanson's Concrete Masonry & Landscaping LLC	Street Address 205 Park Ave W	City Watford City	State and Zip Code ND 58854
Telephone and Cell Phone Number 612-701-9489	Email Address ddoghanson@gmail.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 checked="" 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 checked="" 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: 109 3rd St SW, Watford City, ND
Date and Time of Violation: on or about 12:52 pm on 12 August 2019
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> Contractor was digging at the above noted address. They came in contact with a 1" steel service line damaging it underneath a concrete patio adjacent to a structure. This resulted in a uncontrolled release of natural gas that migrated into the structure. Upon investigation 45% gas was found in the interior of the structure. The structure was evacuated, and the power was shut off the the area, causing an electrical interruption to approximately 8 customers for approximately 3 hours, with the exception of the structure at the damage location which was without power for 12 hours. The Fire Department was on scene, and aided in ventilating the structure. The gas escaped the system for approximately 37 minutes, while the steel service was safely retired at the main line. Montana-Dakota Utilities had personnel on site monitoring the area, and ground saturation levels for approximately 14 hours. At 2:00 AM on 13 August, the Montana-Dakota Utilities personnel were released as the scene was made safe.

PART D – DAMAGE

Fatalities 0	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: 1" steel Natural Gas Service Line		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$2880.58		Number of Customers Affected 8
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Paul W Riely	Date 8/27/2019
--	-----------------------

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