



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

September 26, 2019

Leif Anderson
Blue Stone Construction, Inc.
6898 163rd Ave SE
Sawyer, ND 58781-9215

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

Dear Leif:

Enclosed is a copy of a ND One-Call Complaint, against Blue Stone Construction, Inc., received by the North Dakota Public Service Commission on September 26, 2019, from Brady Carpenter at North Prairie Rural Water District, of Minot, ND, Case Number PU-19-326. The location of the incident identified in the complaint is approximately 19th Ave NE Township 155N Range 81W the SE1/4 of Section 8 near Surrey, 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 October 10, 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 Blue Stone 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

2 **PU-19-326** Filed: 9/26/2019 Pages: 7
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 North Prairie Rural Water District/Brady Carpenter	Street Address 3811 Burdick Expy East	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 9/26/2019
<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 Bluestone Construction Inc. / Leif	Street Address 315 54th St SW	City Minot	State and Zip Code ND, 58701
Telephone and Cell Phone Number 701-858-8139, 701-240-4915	Email Address leif@bluestonenodak.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 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 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 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) 49-23-04, Paragraph 1.
Location of Violation: 19th Ave NE, Surrey Township, T155N, R81W, Section 8-SE Quarter
Date and Time of Violation: 9/25/2019, at or around 1735
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> While performing an unrelated locate ticket, locator noticed an excavator digging in the area of a recently installed waterline. Locator questioned operator if a locate ticket was submitted but operator informed locator that he was unsure and to call his superior that submits the locate requests. Leif from Bluestone Construction called me on 9/26/2019 and informed me that a excavation notice was never placed with ND One Call. All operators were aware at the excavation site that a locate ticket might not have been submitted but continued to dig anyway.

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 9-26-2019
--	-------------------

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



BLUESTONE
CONSTRUCTION, INC.
Bluestone, MO
701-856-8139

DOT CASSETTE

KENWORTH







Bluestone Construction

Barrow Pit Excavation Area

Legend

Watermain

