



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian Kroshus
Julie Fedorchak
Randy Christmann

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
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Phone: 701-328-2400
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Fax: 701-328-2410
TDD: 800-366-6888 or 711

October 16, 2019

Andrew Fimrite
Burlington Electric, Inc.
3301 101st St NW
Burlington, ND 58722-9688

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

Dear Andrew:

Enclosed is a copy of a ND One-Call Complaint, against Burlington Electric, Inc., received by the North Dakota Public Service Commission on October 15, 2019, from Dawn Roness at Montana Dakota Utilities, of Minot, ND, Case Number PU-19-341. The location of the damage identified in the complaint is approximately 8181 Hwy 2/52 W, near Burlington, 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 30, 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 Burlington Electric, 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: Dawn Roness

2 **PU-19-341** Filed: 10/16/2019 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 / Dawn Roness | Street Address 1130 20th Ave SW | City Minot | State and Zip Code ND 58701 |
| Telephone and Cell Phone Number 701 857-9902 | Email Address dawn.roness@mdu.com | | Date 10/15/19 |
| <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 Burlington Electric | Street Address 3301 101st St NW | City Burlington | State and Zip Code ND 58722 |
| Telephone and Cell Phone Number 701 852-4967 | Email Address Unknown | | |

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 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: 8181 Hwy 2 & 52 W, Burlington ND |
| Date and Time of Violation: September 6, 2019 at 11:25 a.m. |
| 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> Burlington Electric hit a 1 1/4" Plastic Gas Service Line that feeds the new Historical Homes on Hwy 2 & 52. No locates were requested by Burlington Electric. Andy Firmite was the operator of the equipment. |

PART D – DAMAGE

| | | |
|---|-----------------------------------|------------------------------------|
| Fatalities None | Injuries None | In-patient Hospitalization None |
| Underground facility type(s) and Operator(s) affected: Natural Gas Service Line - Montana Dakota Utilities | | |
| Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ 500.00 | Number of Customers Affected 1 | |
| Other impact of event: | | |
| Please attach photos of Event Area or Damaged Facility | | |

PART I – SIGNATURE

| | |
|--|------------------|
| Signature of Person Filing Complaint Dawn Roness - Field Operations Supervisor - MDU Minot District | Date 10/15/19 |
|--|------------------|

| |
|---------------|
| 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