



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Brian Kroshus  
Julie Fedorchak  
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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

November 5, 2019

Darryl Duchsherer  
4460 3<sup>rd</sup> Ave NE  
Balfour, ND 58712

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

Dear Darryl:

Enclosed is a copy of a ND One-Call Complaint, against Darryl Duchsherer, received by the North Dakota Public Service Commission on November 4, 2019, from Brady Carpenter at North Prairie Rural Water District, of Minot, ND, Case Number PU-19-357. The location of the incident identified in the complaint is approximately 5<sup>th</sup> Ave NE near Balfour, 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 November 20, 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 you 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](mailto: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



# 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 11/4/2019
<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 Darryl Duchsherer	Street Address 4460 3rd Ave NE	City Balfour	State and Zip Code ND, 58712
Telephone and Cell Phone Number 701-626-2296	Email Address lil_duke_34@hotmail.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, Paragraph 2</u>
Location of Violation: 5th Ave NE
Date and Time of Violation: 11/2/2019, 12:43 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> Spoke with Darryl on the phone about white lining required by law and he informed me that he has never heard of white lining and could careless if I marked the underground utility or not and hung up on me.

## PART D – DAMAGE

Fatalities N/A	Injuries N/A	In-patient Hospitalization N/A
Underground facility type(s) and Operator(s) affected: Rural water, Brady Carpenter (Locator)		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ N/A	Number of Customers Affected N/A	
Other impact of event: Locator's time and supplies due to marking entire quarter sections of T152N, R77W, sections 13-NW and 14-NE.		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 11/4/2019
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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

# North Dakota One Call

Ticket No: 19156943  
 LORQ ROUTINE  
 Original Call Date: 11/02/19 12:43 pm  
 Op: witedji  
 Work to Begin Date: 11/06/19 12:01 am  
 Op: witedji  
 Expiration Date: 11/27/19 12:01 am  
 CALLER INFORMATION  
 Company Name: DARRYL DUCHSHERER  
 Fax Phone:  
 Contact Name: DARRYL DUCHSHERER  
 Phone: 701-626-2296  
 Alt Contact: DARRYL DUCHSHERER  
 Alt. Phone:  
 Caller Address:  
 Email Address: [lil\\_duke\\_34@hotmail.com](mailto:lil_duke_34@hotmail.com)  
 4460 3RD AVE NE BALFOUR, ND 58712

DIG SITE INFORMATION  
 Type of Work: GRADING  
 Work Being Done For: DARRYL DUCHSHERER  
 Depth: 10FT  
 Explosives: N  
 Tunneling/Boring: N  
 White Lining:  
 DIG SITE LOCATION  
 County: MCHENRY  
 Place: BALFOUR TWP  
 City Limits: N  
 Address:  
 Street: 5TH AVE NE  
 Intersecting Street: 40TH ST NE  
 Side of Road:  
 Location of Work: EXCAVATION IS ON BOTH SIDES OF THE ROAD.  
 Remarks: MARK THE ENTIRE QUARTER SECTIONS OF 13-NW AND 14-NE  
 Call Request for Locator's to call before they start marking

Map Coord NW Lat: 47.9929181  
 Lon: -100.4888124  
 SE Lat: 47.9851870  
 Lon: -100.4667798

### MEMBERS NOTIFIED

District	Company Name	Marking Concerns	Status
NDTELE01	NORTH DAKOTA TELEPHONE CO	701-662-1800	Not yet responded
ViewingNPRW01	NORTH PRAIRIE WATER ASSOC.	701-852-1886	Not yet responded
USAF01	USAF CABLE AFFAIRS	701-723-6053	Not yet responded
VEREND01	VERENDRYE ELECTRIC COOPERATIVE	888-355-2515	Not yet responded

### LOCATOR INFORMATION

Past Work Start? N Ticket Locked? N Past Due Time: 11/06/19 00:01

### Private Attachments

11/4/2019

Map Link

None

Public Attachments

None

Locator:

Status

Current Status: Not yet responded

Change Status:

Status Comments (250 character limit)

Your view of this ticket is

Notes

Just Go To Next Ticket

History

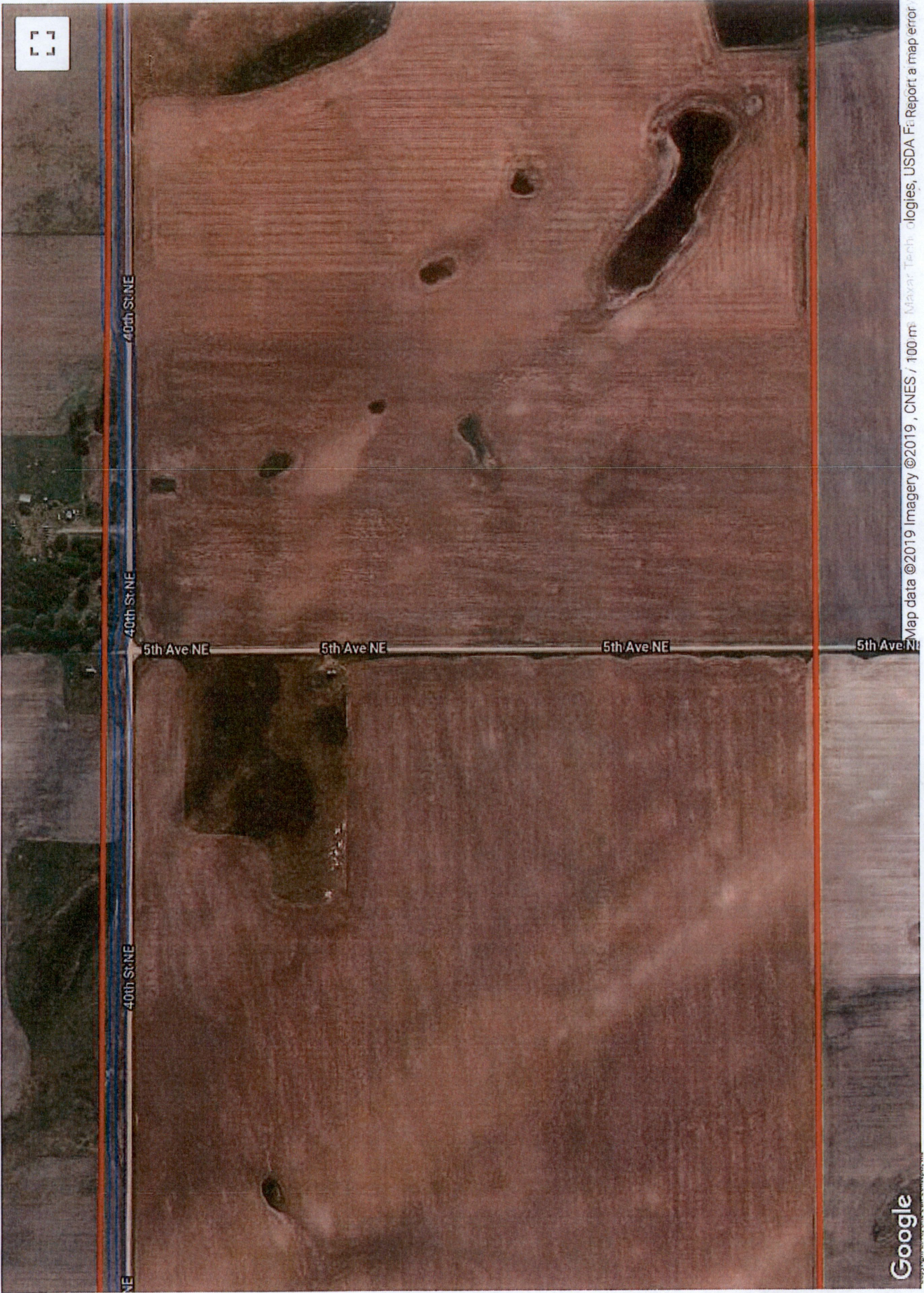
Date	Type	District	Display	Locator	User
11/02/19 12:55:10	Ticket Check Response Added	NPRW01 NORTH PRAIRIE WATER ASSOC.	Not yet responded	-	System
11/02/19 12:55:10	Ticket Created			-	System

Legend:

- Locate Polygon
- District Polygon

Lat/Lon

47.993172 -100.476938



Map data ©2019 Imagery ©2019, CNES / 100 m Maxar, Terra-Logies, USDA, Report a map error