



# 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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December 2, 2019

Andrew Janachovsky  
RAK Construction  
7193 12<sup>th</sup> St NW  
Willmar, MN 56201

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 RAK Construction, received by the North Dakota Public Service Commission on November 27, 2019, from Dawn Roness at Montana Dakota Utilities, of Minot, ND, Case Number PU-19-373. The location of the damage identified in the complaint is 33 NE Olive Tree Cr, Minot, 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 December 16, 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 RAK Construction 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: Dawn Roness

2 PU-19-373 Filed: 12/2/2019 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
Telephone and Cell Phone Number 701 720-0879	Email Address dawn.roness@mdu.com		Date 11/27/19
<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 RAK Construction / Andrew Janachovsky	Street Address 7193 12th St NW	City Willmar	State and Zip Code MN 56201
Telephone and Cell Phone Number 701-500-7505	Email Address		

## 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 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 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: 33 NE Olive Tree Cr, Minot ND
Date and Time of Violation: Unknown - this was reported to MDU by electrical company on 10/28/19
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>  Found the contractor had tried to "move the service line out of his way" because he was trying to do work in the driveway. He ended up doing damage to the service line along with the power lines. Crew will need to fix and remove and damages to service line before we tie it into the main. Contractor did not report damage to MDU.

## PART D – DAMAGE

Fatalities 0	Injuries 0	In-patient Hospitalization 0
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): \$ \$1,200.00	Number of Customers Affected 1	
Other impact of event: MDU crew reported that the electrical service was damaged also.		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint Dawn Roness - Field Operations Supervisor MDU Minot	Date 11/27/19
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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](mailto:ndpsc@nd.gov), fax to 701-328-2410 or send to Public Service Commission, 600 E Boulevard Ave Dept 408, Bismarck ND 58505-0480.