

Memorandum

To: Commissioners Kroshus, Fedorchak and Christmann

From: Victor Schock Public Utility Analyst

VS

Date: July 30, 2020

Re: ND One-Call Complaint
Case No. PU-19-373

On November 27, 2019, a ND One-Call Complaint was received from Dawn Roness with Montana-Dakota Utilities (MDU) alleging that RAK Construction (RAK) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to conduct its excavation in a careful and prudent manner resulting in damage to their facilities.

Staff investigation found that on or about October 28, 2019, MDU discovered damage to its natural gas and electric service lines at 33 NE Olive Tree Cr in Minot, ND.

Staff informed RAK of MDU's complaint via a letter on December 2, 2019, requesting a response by December 16, 2019. RAK's December 6, 2019 response asserted that they were not doing any excavation work at the time of the damages. They further asserted that they were asked and allowed the homeowner to borrow their bobcat to perform his own dirt work, which was likely the cause of the damages.

Staff forwarded RAK's response to Dawn Roness with MDU on June 30, 2020, requesting that they provide any additional info they may have on the case. As of the date of this memo, no further response has been received from MDU.

Based on its investigation, staff believes that the homeowner rather than RAK was responsible for the damages.

Based on its investigation staff does not intend to file a formal complaint, recommends that no further action be taken and the case be closed.