



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](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

March 12, 2020

NC3, LLC  
C/O CT Corporation System  
120 W Sweet Ave  
Bismarck, ND 58504-5566

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

To Whom it may concern:

Enclosed is a copy of a ND One-Call Complaint, against NC3, LLC, received by the North Dakota Public Service Commission on March 2, 3030, from Brian Reilly at Walsh Rural Water District, of Grafton, ND, Case Number PU-20-096. The location of the damage identified in the complaint is near the intersection of Highway 80 and 70<sup>th</sup> St NE, Grafton, 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 March 26, 2020**, 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 NC3, LLC 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: Brian Reilly



**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 Walsh Rural Water District	Street Address 14768 Hwy 17	City Grafton	State and Zip Code ND 58237
Telephone and Cell Phone Number 7013523915	Email Address wwater@invisimax.com		Date 3/2/2020
<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 NC 3, LLC	Street Address 44926 State Hwy 92	City Clearbrook	State and Zip Code MN 56534
Telephone and Cell Phone Number 7022664317	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 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 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 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: Grafton 1 SW Hwy 80 and 71st st: NE
Date and Time of Violation: 9/20/2019
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> NC3 failed to locate or mark water line before boring road. Water Line was installed in 1973 No Locate was provided by NC3

**PART D – DAMAGE**

Fatalities	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected:		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ contract labor to repair was \$1,732.50 total Damages \$2,133.26		Number of Customers Affected 4
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

**PART I – SIGNATURE**

Signature of Person Filing Complaint Brian Reilly	Date 03/02/2020
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**Submit**

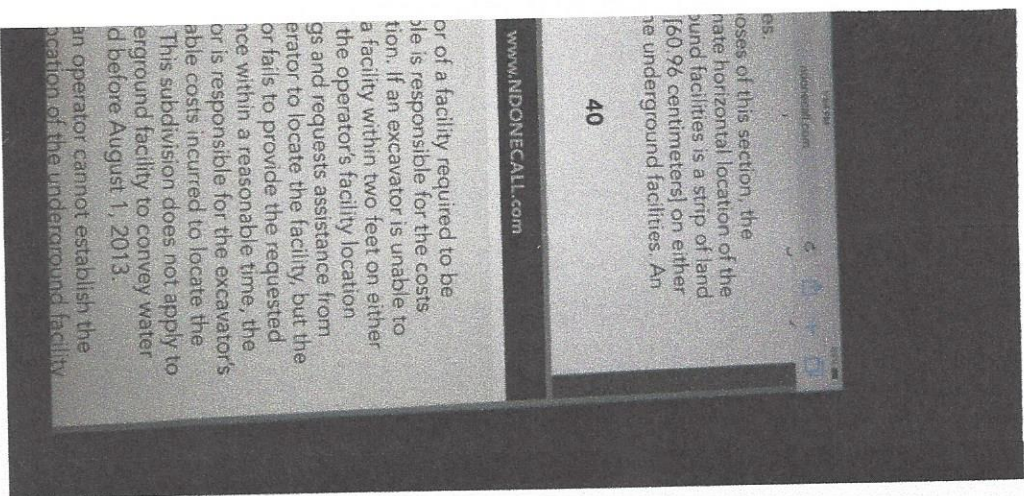
If the "Submit" function is not working properly, please print the completed form and then either email to [ndcc@nd.gov](mailto:ndcc@nd.gov) or fax to 701-328-2410 or send to Public Service Commission, 600 E 1

**PU-20-96** Filed: 3/2/2020  
North Dakota One-Call Complaint

Pages: 2

Telephone: (701) 328-2400





9/30/19 11:32 AM

Brian can you send me the locate number for where you guys are boring and hit that waterline

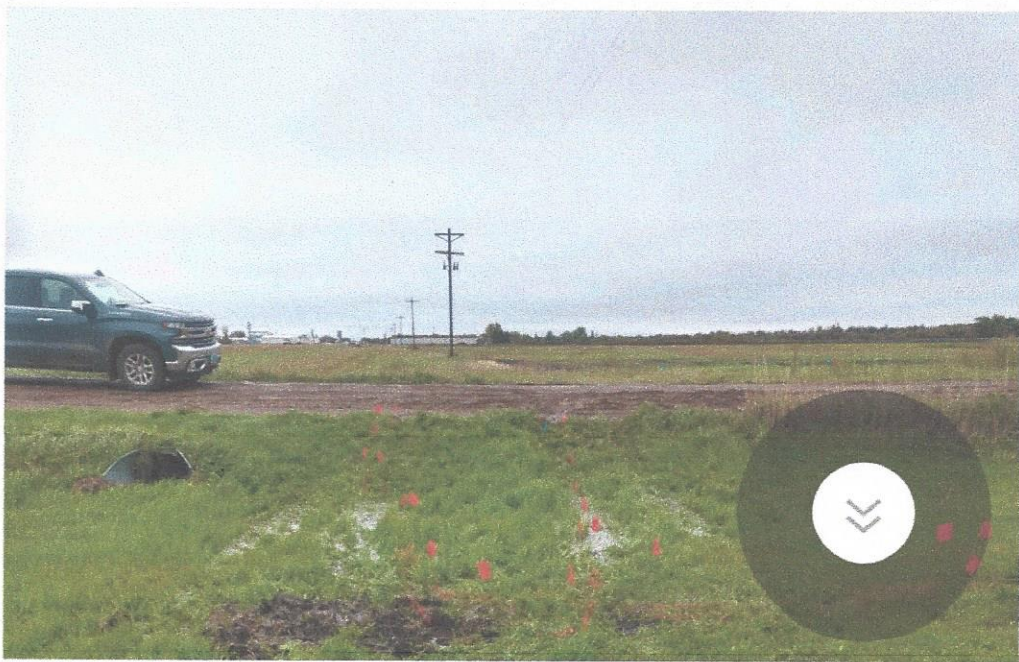
Delivered

Yea I'll call the office

9/30/19 3:02 PM



Scott  
7022864317





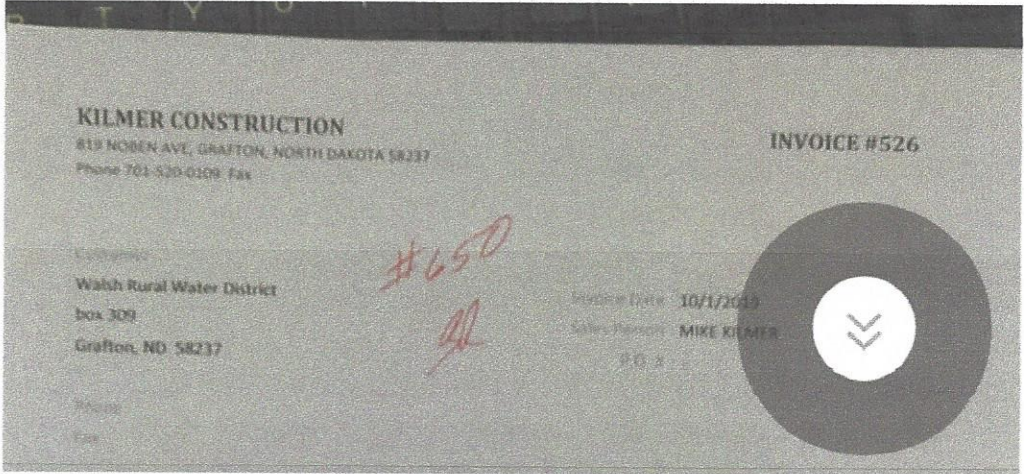
This was the last one on highway 81

11/5/19 12:06 PM





11/13/19 11:11 AM



Customer  
Wash Rural Water District  
Box 309  
Grafton, ND 58237

#650  
SK

Invoice Date: 10/1/2019  
Sales Person: MIKE KILMER  
P.O. #

Job	Payment Due	Payment Terms
10/01 - Leak by George Nelson		Due 30 Days From Receipt

Service	Hours	Rate	Line Total
250, two guys, and service truck	5.5	\$315.00	\$1,732.50

Services Total	\$1,732.50
Products Total	\$0.00
Taxes	\$0.00
<b>Invoice Total</b>	<b>\$1,732.50</b>

**Thank you for your business**  
KILMER CONSTRUCTION 819 NOBEN AVE, GRAFTON, NORTH DAKOTA 58237  
Phone 701-520-0109 Fax

These are the three invoices I received for those two hit lines for repair

