



# 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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March 19, 2020

Harold Chyle  
Sun Electric, Inc.  
411 39<sup>th</sup> St N  
Fargo, ND 58102-3972

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

Dear Harold:

Enclosed is a copy of a ND One-Call Complaint, against Sun Electric, Inc., received by the North Dakota Public Service Commission on March 13, 2020, from Ryan Farmer at Kinder Morgan, of Williston, ND, Case Number PU-20-098. The location of the incident identified in the complaint is approximately .3 miles south of the intersection of 26<sup>th</sup> St NW and County Road 37 near Watford City, 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 April 3, 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 Sun 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](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: Ryan Farmer

2 **PU-20-98** Filed: 3/19/2020 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<br>Kinder Morgan/Ryan Farmer  | Street Address<br>611 37th Ave SE Bldg. 29    | City<br>Williston | State and Zip Code<br>North Dakota 58801 |
| Telephone and Cell Phone Number<br>701-339-6090  | Email Address<br>ryan_farmer@kindermorgan.com |                   | Date<br>3/13/20                          |
| <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<br>Sun Electric/Chris Larsen     | Street Address<br>411 39th St      | City<br>Fargo | State and Zip Code<br>North Dakota 58102 |
| Telephone and Cell Phone Number<br>701-281-9140 | Email Address<br>clarsen@suninc.us |               |  |

## PART C – ALLEGED VIOLATION

|  |
|--|
| <input type="checkbox"/> Operator failed to provide or update the information provided to the notification center on a timely basis<br><input checked="" type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation<br><input type="checkbox"/> Excavator failed to provide required information in excavation or location notice<br><input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation<br><input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area<br><input type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours<br><input type="checkbox"/> Excavation started prior to underground facility locate<br><input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally<br><input type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period<br><input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities<br><input type="checkbox"/> Excavator failed to maintain the markings during excavation<br><input type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____ |
| Location of Violation:<br>Approx. .3 miles south of 28th St NW on the west side of C.R. 37 southeast of Watford City ND. Latitude: 47.785777 Longitude: -103.2200416   |
| Date and Time of Violation:<br>2/26/20 at approximately 1:40pm   |
| 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><br>Excavation company failed to call in a locate request prior to excavation per North Dakota State Law.   |

## PART D – DAMAGE

|  |                         |  |
|--|-------------------------|--|
| Fatalities<br>No damage to KM facilities                                   | Injuries<br>No injuries | In-patient Hospitalization<br>No hospitalization |
| Underground facility type(s) and Operator(s) affected:                     |                         |  |
| Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ |                         | Number of Customers Affected                     |
| Other impact of event:   |                         |  |
| Please attach photos of Event Area or Damaged Facility                     |                         |  |

## PART I – SIGNATURE

|  |                 |
|--|-----------------|
| Signature of Person Filing Complaint<br> | Date<br>3/13/20 |
|--|-----------------|

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