

Thompson, Pamela J.

From: Lynn Mesteth <lynn@dwyerlawnd.com>
Sent: Thursday, July 29, 2021 4:27 PM
To: -Info-Public Service Commission
Cc: Schuh, John M.
Subject: Case No. PU-20-332
Attachments: 2021.07.29 Reply to Answer (with exhibits).pdf; 2021.07.29 Certificate of Service.pdf

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North Dakota Public Service Commission:

Attached hereto for filing in this matter, please find Southwest Water Authority's Reply to Answer of Coal Creek Construction, Inc. to ND One-Call Complaint, with Exhibits A-G. Also attached is our Certificate of Service upon counsel for Coal Creek Construction, Inc.

Thank you.

Lynn M. Mesteth, Attorney at Law



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lynn@dwyerlawnd.com

NORTH DAKOTA PUBLIC SERVICE COMMISSION

Southwest Water Authority,
Complainant,
v.
Coal Creek Construction, Inc.,
Respondent.

PSC Case No. PU-20-332
**REPLY TO ANSWER OF COAL
CREEK CONSTRUCTION, INC.
TO ND ONE-CALL COMPLAINT**

COMES NOW, the Plaintiff, Southwest Water Authority (hereinafter “SWA”), for its Reply to Defendant Coal Creek Construction, Inc.’s (“Coal Creek”) Answer to ND One-Call Complaint herein, states and alleges as follows:

REPLY TO ANSWER

1. Except as otherwise admitted or qualified herein, SWA denies the allegations set forth in the Answer filed by Coal Creek.

2. With respect to the allegations of Paragraph No. 2 of Coal Creek’s Answer, SWA admits they have *served* a lawsuit venued in North Dakota District Court. SWA denies that said lawsuit has been *filed* with Mercer County District Court. SWA denies that filing this Complaint with the Public Service Commission is retaliatory in nature or done for the purpose of harassment. SWA denies that litigation is already pending on the District Court. SWA seeks to exhaust administrative remedies before filing the action in North Dakota District Court. Exhaustion of administrative remedies conserves judicial resources and allows administrative entities with specialized expertise in the matter to fully develop a factual record of the case and dispose of the matter.

3. SWA disputes the facts set forth in the summary of facts within Paragraph No. 3 of Coal Creek's Answer. The facts from SWA's perspective are as follows:

The Southwest Pipeline Project (SWPP) is state owned and administered by the North Dakota State Water Commission (SWC). The SWPP transports raw water from Lake Sakakawea to water treatment facilities north of Zap and in Dickinson where it is treated and delivered to the project's customers in southwest North Dakota and Perkins County, South Dakota. SWA is responsible for the management, operations and maintenance of the Project.

The SWPP has been constructing an efficient network of pipelines, pump stations, reservoirs and treatment facilities for over 34 years to bring southwest North Dakota an adequate quantity of quality water. To date, 33 communities, more than 7,270 rural service locations, 21 small businesses, and 22 raw water customers are served by the Pipeline.

On August 23, 2019, Coal Creek called North Dakota One Call (NDOC) and was given ticket # 19112259 (attached as **Exhibit A**) to install an electrical line by directional bore method for Roughrider Electric CO-OP ("Roughrider") at the Eugene Sailer farm, north of Zap, North Dakota, in Mercer County. SWA distribution operator Brad Kilde ("Kilde") marked the SWPP waterline with blue pin flags utilizing Geographic Information System (GIS) placed on a hand held Trimble survey instrument prior to the work to begin date of August 28, 2019.

Kilde followed up his waterline marking with a telephone conversation with Chad Portra ("Portra"), the Coal Creek contact person indicated on ticket # 19112259. Kilde informed Portra that his proposed worksite flags were too close to the SWPP waterline and that Coal Creek should pothole the waterline for its exact location to avoid striking the waterline. Before the work was completed ticket #19112259 expired on September 18, 2019.

On September 17, 2019, Coal Creek called the NDOC to update ticket # 19112259 and was given ticket #19128177 (attached as **Exhibit B**). SWA distribution operator, Gary Nordstrom (“Nordstrom”) marked the SWPP waterline using the hand held Trimble and GIS information prior to the work begin date of September 20, 2020. Later that afternoon, Andy Erickson, Jr. (“Erickson”), Water Distribution Manager, received a call from Eugene Sailer stating that he no longer had water service and that he thought Coal Creek had struck the SWPP waterline providing his water service.

Erickson called Nordstrom to investigate Sailer’s complaint and shut the water off until the waterline could be repaired. SWA hired Sletton Excavation of Center, ND, to repair the damaged waterline on September 18, 2019. SWA billed Coal Creek for the repair because they chose to proceed with directional drilling without knowing the exact location of the SWPP waterline.

On October 25, 2019, Erickson received an email from Roughrider, informing Erickson that Eugene Sailer had complained to them about damage to his driveway caused by the waterline repair on September 18, 2019 (attached as **Exhibit C**). SWA repaired Sailer’s driveway between dates of October 29-31, 2019.

On October 18, 2019, SWA direct an invoice to Coal Creek in the amount of \$2,757.58 for repairs to the line (attached as **Exhibit D**). This invoice included employee labor and mileage to complete the repair, water losses, and reimbursement of an invoice from Sletten Excavating for pipeline repairs that totaled \$2,757.58.

On March 23, 2020, SWA sent a bill to Coal Creek for \$1,354.41 for additional repairs to the Eugene Sailer farm access road (attached as **Exhibit E**). This invoice reflected labor and mileage of SWA employees, Bobcat labor, dump truck services, and eight yards of scoria.

SWA contends Coal creek owes, and has failed to pay, the \$4,111.99 in damages due to SWA despite repeated demands for payment.

4. SWA contends Coal Creek was negligent. Pursuant to N.D.C.C. 49-23, anyone who engages in any type of excavation (any operation in which earth, rock, or other materials in or below the ground is moved or otherwise displaced by means of hand or power tools, power equipment, or explosives and includes grading, trenching, digging, ditching, drilling, augering, tunneling, boring, scraping, and cable or pipe plowing and driving), anywhere in North Dakota is required to provide notice of at least 48 hours in advance to the North Dakota One Call Center. North Dakota One Call (NDOC) is the statewide One Call notification system established to inform all North Dakota underground facility operators of intended excavation.

Pursuant to N.D.C.C. 49-23-04(6)(b), if an excavator is unable to locate a facility within two feet on either side of the operator's facility location markings, they are to request assistance from the operator to locate the facility. Coal Creek failed to ask for SWA's assistance in finding the waterline and chose to risk directional drilling without knowing exactly where the waterline was.

Pursuant to N.D.C.C. 49-23-04(6)(c), when an operator cannot establish the exact location of the underground facility to convey water, the operator shall mark the location as accurately as possible and the excavator may proceed with caution. When excavation operations approach the estimated location of the underground facility to convey water, the exact location of the facility must be determined by safe and acceptable means. The uncovered facility must be supported and protected to prevent damage.

Upon information and belief, Coal Creek set their boring machine to the west of the photo attached hereto as **Exhibit F** and drilled to the east. Denny Portra of Coal Creek was running the machine and was drilling to the east.

The waterline in question was installed at Eugene Sailer's farm prior to July 29, 2013. The field notes for Contract 7-9D prepared by Larry Kirschmann from Bartlett & West (attached as **Exhibit G**) confirm that the service line was installed prior to August 1, 2013.

Upon information and belief, Coal Creek was to be digging at depth of four feet because they were working with electric lines. SWA's water line is placed a depth of seven and-a-half feet.

Upon information and belief, when Coal Creek went under County Road 13, circumstances caused them to bore deeper and reach SWA's pipeline depth. As Coal Creek tried to navigate back up on other side of County Road 13, they got into an old trench and at that point lost the ability to steer their boring machine. Coal Creek failed to use due care and stop their operations when they recognized something was not right; rather, they negligently chose to proceed with boring operations and hit SWA's water line.

Coal Creek failed to proceed with caution in its operation and failed to exercise due care on the incident date, thereby causing damage to SWA's existing pipeline.

Coal Creek owed a duty SWA to use due care and follow North Dakota One Call laws and statutory mandates in its operations. Coal Creek violated its duty to SWA. The breach of the duty caused injury to SWA. Coal Creek's actions (and inactions) were the proximate cause of the injury and Coal Creek should have known that this action (and inaction) could cause monetary damages. SWA suffered monetary damages in the amount of \$4,111.99 as a result of Coal Creek's negligence.

REQUEST FOR HEARING

SWA requests a hearing on this matter be scheduled prior to any determination.

PRAYER FOR RELIEF

SWA seeks a determination that Coal Creek violated North Dakota One Call laws and is thus liable to SWA for damages in the amount of \$4,111.99, as well as such other further relief as the Public Service Commission deems just and equitable.

Dated this 29th day of July, 2021.

DWYER LAW OFFICE, PLLC

/s/ Lynn M. Mesteth

Lynn M. Mesteth (ND #07787)

5302 51st Avenue S, Suite D

Fargo, ND 58104

Phone: (701) 235-2040

lynn@dwyerlawnd.com

ATTORNEY FOR COMPLAINANT

North Dakota One Call

Ticket No: 19112259
LORQ ROUTINE
Updated by: 19128177
Original Call Date: 08/23/19 12:20 pm
Op: webusr6
Work to Begin Date: 08/28/19 12:01 am
Op: iasue
Expiration Date: 09/18/19 12:01 am

CALLER INFORMATION

Company Name: COAL CREEK CONSTRUCTION
Contact Name: CHAD PORTRA
Phone: 701-442-3188
Alt Contact: DENNY
Alt. Phone: 701-391-6188
Caller Address: P.O. BOX 1068 UNDERWOOD, ND 58576
Email Address: ccreek@westriv.com

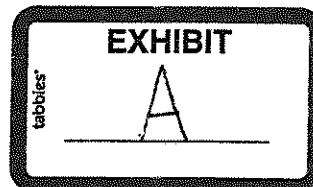
DIG SITE INFORMATION

Type of Work: INSTALLATION OF ELECTRICAL MAIN LINE
Work Being Done For: ROUGHRIDER ELECTRIC CO-OP
Depth: 10FT
Explosives: N
Tunneling/Boring: Y
White Lining/Site Identification: PROJECT STAKING

DIG SITE LOCATION

County: MERCER
Place: ZAP
City Limits: N
Address:
Street: 67TH AVE NW
Intersecting Street: 2ND ST NW
Location of Work: FROM ABOVE INTERSECTION TRAVEL NORTH APPROX. 1450 FT TO WHITE FLAGGED ROUTE LOCATED ON BOTH SIDES OF THE ROAD. STARTING ON THE WEST SIDE OF THE ROAD MARK 30 FT EITHER SIDE OF WHITE FLAGGED ROUTE GOING EAST APPROX. 700 FT TO THE END OF THE ROUTE.

Remarks:
Caller Provided Lat: 47.447816
Lon: -101.972753
Caller Twp: 146N
Range: 20W



Map Coord NW Lat: 47.4510537
Lon: -101.9825169
SE Lat: 47.4435816
Lon: -101.9610546

MEMBERS NOTIFIED

District	Company Name	Marking Concerns	Status
RRIDER01	ROUGH RIDER ELECTRIC COOP, INC.	701-483- 5111	Marked
SWPIPE01	SOUTHWEST PIPELINE PROJECT	701-225- 0241	Marked (Flagged Called Chad BK)
WRV02	WEST RIVER TELECOM	701-748- 2211	Clear/No conflict

Legend: Locate Polygon

Lat/Lon

North Dakota One Call

Ticket No: 19128177
LORG RESPOT
Relocate Counter: 1
Update of: 19112259
Original Call Date: 09/17/19 05:04 pm
Op: webusr6
Work to Begin Date: 09/20/19 12:01 am
Op: webusr6
Expiration Date: 10/11/19 12:01 am

CALLER INFORMATION

Company Name: COAL CREEK CONSTRUCTION
Contact Name: CHAD PORTRA
Phone: 701-442-3188
Alt Contact: DENNY
Alt. Phone: 701-391-6188
Caller Address: P.O. BOX 1068 UNDERWOOD, ND 58576
Email Address: ccreek@westriv.com

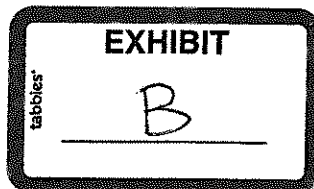
DIG SITE INFORMATION

Type of Work: INSTALLATION OF ELECTRICAL MAIN LINE
Work Being Done For: ROUGHRIDER ELECTRIC CO-OP
Depth: 10FT
Explosives: N
Tunneling/Boring: Y
White Lining/Site Identification: PROJECT STAKING

DIG SITE LOCATION

County: MERCER
Place: ZAP
City Limits: N
Address:
Street: 67TH AVE NW
Intersecting Street: 2ND ST NW
Location of Work: FROM ABOVE INTERSECTION TRAVEL NORTH APPROX. 1450 FT TO WHITE FLAGGED ROUTE LOCATED ON BOTH SIDES OF THE ROAD. STARTING ON THE WEST SIDE OF THE ROAD MARK 30 FT EITHER SIDE OF WHITE FLAGGED ROUTE GOING EAST APPROX. 700 FT TO THE END OF THE ROUTE.

Remarks:
Caller Provided Lat: 47.447816
Lon: -101.972753
Caller Town: 146N



Map Coord NW Lat: 47.4510537
Lon: -101.9825169
SE Lat: 47.4435816
Lon: -101.9610546

MEMBERS NOTIFIED

District	Company Name	Marking Concerns	Status
RRIDER01	ROUGH RIDER ELECTRIC COOP, INC.	701-483-5111	Clear/No conflict
SWPIPE01	SOUTHWEST PIPELINE PROJECT	701-225-0241	Marked (Flagged Gary N.)
WRV02	WEST RIVER TELECOM	701-748-2211	Clear/No conflict

Legend: Locate Polygon

Lat/Lon

47.445189 -101.978920

Andy Erickson

From: Jason Bentz [jbentz@roughriderelectric.com]
Sent: Friday, October 25, 2019 9:08 AM
To: 'Andy Erickson'
Cc: Jim Block; Tim Ridl
Subject: Eugene Sailer Beulah

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning Andy

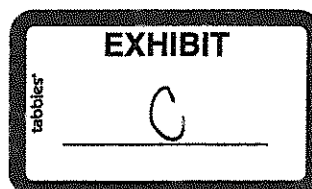
Roughrider replaced a line near Eugene Sailer north of Beulah and called the locates in. The line was marked but it was 12 feet off. That being said our contractor hit the water line when they were boring. Sletten Excavation fixed the water line and in that process tore up his road. His request is that SWA get the scoria replaced. Could you call Sletten and get this done please? Thanks!

*Jason Bentz
Manager of Operations
Roughrider Electric Cooperative Inc.
Dickinson, ND 58601
Office (701) 483-5111
Cell (701) 220-3649*



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Southwest Water Authority
 4665 2ND STREET SW
 DICKINSON ND 58601
 (701) 225-0241 Ext. 0000

INVOICE	INV10592
Date	10/18/2019
Page	1

Bill to:

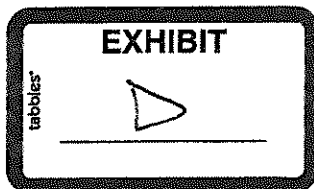
COAL CREEK CONSTRUCTION PO BOX 1068 UNDERWOOD ND 58576

Previous (kgal)	0.00
Current (kgal)	0.90
Amount (kgal)	0.90

Meter Reading Date	Customer ID	Salesperson ID	Customer Type	Payment Terms ID
REPAIR SAILER LINE	COALCREEK		MISC	15th of the Month
Quantity (Kgal)	Item Number	Description	Unit Price	Ext. Price
5.00	4272-01	NORDSTROM-5 HOURS	\$64.58	\$322.90
66.00	4252	66 MILES	\$0.58	\$38.28
0.90	4251	WATER LOSS - 900 GALLONS	\$0.95	\$0.86
0.90	4222-01	WATER LOSS - 900 GALLONS	\$2.30	\$2.07
0.90	4227-01	WATER LOSS - 900 GALLONS	\$0.07	\$0.06
0.90	4223-01	WATER LOSS - 900 GALLONS	\$0.70	\$0.63
0.90	4252	WATER LOSS - 900 GALLONS	\$1.64	\$1.48
0.90	4253	WATER LOSS - 900 GALLONS	\$0.10	\$0.09
0.90	4256	WATER LOSS - 900 GALLONS	\$0.15	\$0.14
1.00	4252	SLETTEN EXCAVATING INC	\$2,391.07	\$2,391.07

SEE ATTACHED BACKUP FOR DETAIL.

Subtotal	\$2,757.58
Misc	\$0.00
Total	\$2,757.58



For billing to: Coal Creek Construction
P.O. Box 1068
Underwood, ND 58576

Repair of Eugene Sailer 2" CL 160 service line in Contract 7-9D at T-146-R89-S24-SW. Brad Kilde marked the water line per locate request # 19128177 (update of ticket # 19112259). Brad cautioned Chad Portra of Coal Creek Construction, that the proposed construction route was too close to the waterline. The contractor chose to drill without potholing the waterline and subsequently struck the water line.

SWA time and mileage:

4.53

Date	Gary Nordstrom	Mileage	Water loss
9-17-19	1 ½ hours	56	
9-18-19	3 hours	7	900 gallons
9-19-19	½ hour	3	

38.08

5.33

SWA time and mileage cost: \$366.52

SWA subcontractor:
Sletten Excavating, Inc. \$2,391.07

Total Cost: \$2,757.59

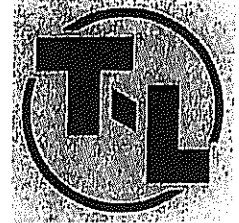
Sletten Excavating, Inc.
 2500 River Road
 Center, ND 58530
 701-663-2400



Invoice

Date	Invoice #
9/30/2019	6276

Bill To
Southwest Water Authority 906 Sunrise Dr. Hazen N.D. 58545



"Like No Other"

Due Date	P.O. No.	Terms	Project
10/30/2019	-	Net 30	

Item	Quantity	Description	Rate	Amount
0007-MOBILZATI...	3	Emergency Repair - 240 County Road 13	200.00	600.00
T-9 Cat 420E Back...	4	MOBILIZATION 2010 Cat 420E Backhoe	130.00	520.00T
TS-12 Kubota Skid ...	2	2015 SLV90-2HC Kubota Skid Steer	125.00	250.00T
Trench Box	2	Trench Box	50.00	100.00T
Wages Direct	12	Employee wages	75.00	900.00
1360150	10	2" X 20' SCH 40 BE PVC PIPE	1.38	13.80
0843942	2	2" PVC 40 CPLG S 429-020	1.46	2.92
		Sales Tax : Max cap \$25.00	0.50%	4.35

Repair Line Struck by
 Coal Creek Construction
 boring in a line for
 Roughrider Electric

All account over 30 days past due will be charged
 1.5% service fee. Prompt payment us appreciated

Total \$2,391.07

Balance Due \$2,391.07

**SLETTEN EXCAVATING, INC. IS PROUD TO ANNOUNCE THAT
 WE ARE NOW ACCEPTING CREDIT CARD PAYMENTS.
 CALL 701-663-2400 TO MAKE A PAYMENT OVER THE PHONE**

AE OK
 10-2-19

Southwest Water Authority
 4665 2ND STREET SW
 DICKINSON ND 58601
 (701) 225-0241 Ext. 0000

INVOICE	INV10941
Date	3/23/2020
Page	1

EA 03/30/2020

Bill to:

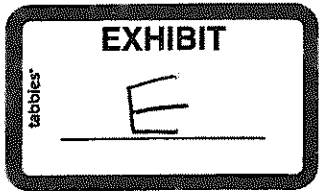
COAL CREEK CONSTRUCTION
 PO BOX 1068
 UNDERWOOD ND 58576

Previous (kgal)
 Current (kgal)
 Amount (kgal) 0.00

Meter Reading Date	Customer ID	Salesperson ID	Customer Type	Payment Terms ID
REPAIR SAILER LINE	COALCREEK		MISC	15th of the Month
Quantity (Kgal)	Item Number	Description	Unit Price	Ext. Price
2.00	4272-01	NORDSTROM-2 HOURS	\$64.98	\$129.96
7.00	4272-01	KILDE-7 HOURS	\$74.91	\$524.37
176.00	4252	176 MILES	\$0.58	\$102.08
1.00	4252	BOCAT-1 DAY	\$227.00	\$227.00
1.00	4252	BOBCAT TRAILER-1 DAY	\$65.00	\$65.00
1.00	4252	DUMP TRUCK FOR SCORIA-1 DAY	\$250.00	\$250.00
1.00	4252	8 YARDS SCORIA-\$7 PER YARD	\$56.00	\$56.00

Subtotal	\$1,354.41
Misc	\$0.00
Total	\$1,354.41

SEE ATTACHED BACKUP FOR DETAIL.



For billing to: Coal Creek Construction
P.O. Box 1068
Underwood, ND 58576

Repair of Eugene Sailer access road from damage caused by repair to SWA 2" CL 160 service line in Contract 7-9D at T-146-R89-S24-SW. The SWA line was struck by Coal Creek Construction on September 17, 2020, because they chose to drill without potholing the waterline against the advice of SWA. SWA repaired Eugene Sailer's access road that was damaged by the waterline repair, starting on 10-28-19 and completing on 10-31-19.

SWA time and mileage:

Date	64.98 Gary Nordstrom	74.71 Brad Kilde	Mileage	Water loss
10-28-19		1 hour	56	
10-30-19		6 hours	70	
10-31-19	2 hours		50	

SWA time and mileage cost:

Bobcat @ \$227/day	\$1756.41
Trailer to haul bobcat @ \$65/day	\$227.00
Dump truck to haul scoria @ \$250/day	\$65.00
8 yards of scoria from Leroy Fischer pit @ \$7/yard	\$250.00
	\$56.00

Total Cost:

\$ 1,354.41



EXHIBIT
F

09636
SAILER, EUGENE
7-9D

CR 13

ELECTRIC
LINE
ROUTE

SWPP

23

24





DAILY CONSTRUCTION REPORT

Bartlett & West Field Representative: Larry Kirschmann

Owner of Project: SWPP Contract No.: 7-9D
 Contract Name: North Zap Service Area Project No: 3033.968

Date:	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		7/29/2013					

Weather: Cloudy Max Temp (F) 72 Min Temp (F) 55 Precipitation: Occ Rain

Project Visitors:	None
Contractor: Kamphius	Subcontractor: None
Superintendent: Joe	Foreman: None
No. of Crews BW Field Rep Observing: 1	No. of Contractor Employees Field Rep Observing: 3

General List of Contractor Equipment:

_____ Bore Machine	_____ Skid Steer	_____ Forklift
_____ Loaders	_____ Blades	_____ Dozers
<u>1</u> _____ Trackhoes	_____ Rubber Tire Backhoes	_____ Trenchers
_____ Plow	_____	_____ Compaction Equipment
_____ Crane	_____	_____ Misc Equipment

Project Photos taken today: Yes

Photo Log No.: wk 7-19-2013

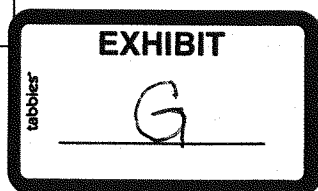
Contractor Start Time: 7:00

Contractor Shutdown Time: 6:30

CONSTRUCTION ACTIVITIES:

Proceeded to the 7-9D contract area from the 2-8E contract are this morning. Kamphius crews are continuing to work north of the OMND water plant. Until these crews leave this area we will be observing crew activities to cut down on the driving time from the other crews working north of Stanton. Today the Kamphius crews are installing a curb-stop for E. Sailer located on sheet 18, T146 R88 Section 24 SW1/4. The crew installed the Curbstop with (5) blocks at the curb-stop and (2) blocks at the reducer. The crew installed the required 20' of 1.5" sch. 40. The crew used the track-hoe with a large drag attached to clean the yard area up prior to relocating to the next service area. The crew relocated to G. Renners residence on sheet 33, T146 R89 Section 25 NE1/4.

Staking Performed	None
GPS Performed	None
Landowners Contacted:	E. Sailer



Bartlett & West Field Representative



SEE SHEET 19

**RAUB SE, BLACKWATER LAKE SW,
GOLDEN VALLEY NE & BEULAH NW**

**OMND NORTH ZAP SERVICE AREA
RURAL DISTRIBUTION CONTRACT 7-9D
SOUTHWEST PIPELINE PROJECT**

NORTH DAKOTA STATE WATER COMMISSION PROJECT NO. 1736

DESIGNED BY:	RAK/BJZ
DRAWN BY:	JB/ARV
APPROVED BY:	JCI
DESIGN PROJ. NO.:	3033.95
CONSIST. PROJ. NO.:	
DATE:	MARCH 20
SCALE:	AS NOTED
DRAWING NO.:	1
SHEET NO.:	06 of 1

BART

3455 I
810
PHOENIX
AZ
USA

67TH AVE NW

1250'

E SALERON

20' 1-2003

FP. 1
B. VOEGELE

24
1-2013

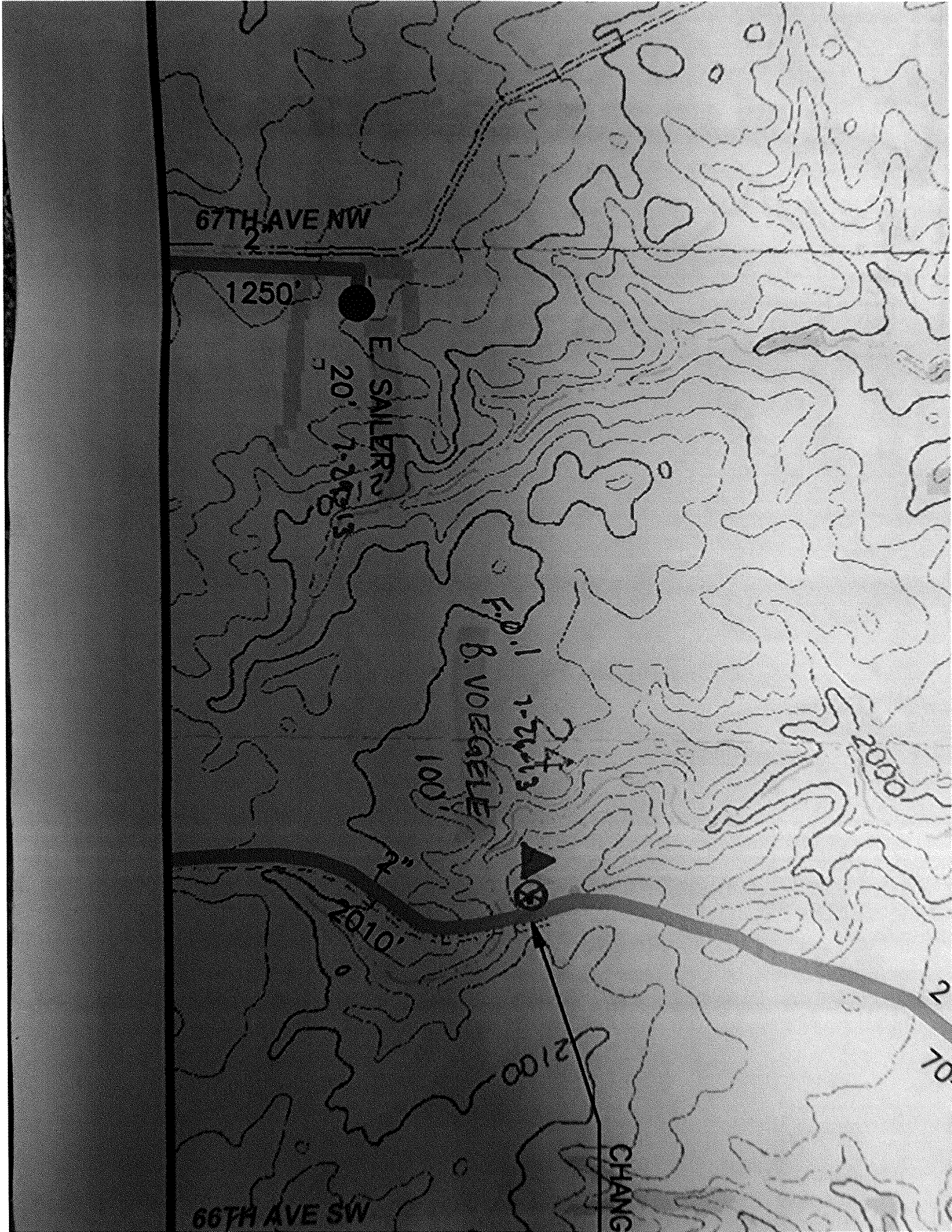
100'

2010'

2100

CHANG

66TH AVE SW



NORTH DAKOTA PUBLIC SERVICE COMMISSION

Southwest Water Authority,
Complainant,
v.
Coal Creek Construction, Inc.,
Respondent.

PSC Case No. PU-20-332
CERTIFICATE OF SERVICE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

Lynn M. Mesteth, being duly sworn, deposes and says that on July 29, 2021 she served the **REPLY TO ANSWER OF COAL CREEK CONSTRUCTION, INC. TO ND ONE-CALL COMPLAINT** upon the following:

**David D. Schweigert
Schweigert, Klemin & McBride, P.C.
116 North Second Street
P.O. Box 955
Bismarck, ND 58502-0955**

by emailing to the following email address: *dslitteam@bkmpc.com*.

Dated: July 29, 2021

DWYER LAW OFFICE, PLLC

/s/ Lynn M. Mesteth
Lynn M. Mesteth (ND #07787)
5302 51st Avenue S, Suite D
Fargo, ND 58104
Phone: (701) 235-2040
Email: lynn@dwyerlawnd.com
ATTORNEY FOR PLAINTIFF