

# Memorandum

To: Commissioners Julie Fedorchak, Randy Christmann, and Brian Kroshus

From: Adam Renfandt

Date: September 2, 2021

Re: ND One-Call Complaint  
Case No. PU-20-332

On July 7, 2020, a ND One-Call Complaint was received from the Southwest Water Authority (SWA) alleging that Coal Creek Construction, Inc. (CCC) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to conduct an excavation in a careful and prudent manner to avoid damage to a waterline.

On August 23, 2019, CCC personnel provided an excavation notice to the North Dakota One-Call Notification Center (NDOC). The NDOC assigned ticket number 19112259. The expiration of the ticket was September 18, 2019.

On August 26, 2019, SWA personnel marked the area with flags to identify the approximate horizontal location of its waterline. Prior to CCC's boring excavation, SWA personnel notified CCC that its proposed boring route was too close to its waterline and that the route should be moved and the area potholed.

On September 17, 2019, CCC began its boring excavation for the installation of an electrical line more than two feet away from SWA's marks. SWA did not notify CCC that the waterline may be located two feet beyond its marks. As a result of the excavation, damage to a two-inch waterline was sustained, which caused disruption to one customer near Zap, North Dakota.

SWA did not provide sufficient evidence to prove that they informed CCC that its marks were not within two feet of the waterline.

Based on its investigation, Staff does not intend to file a formal complaint and recommends the case be closed without further action.