

## Hamre, John G.

---

**From:** Schock, Victor F.  
**Sent:** Tuesday, September 15, 2020 12:26 PM  
**To:** -Info-Public Service Commission  
**Subject:** FW: PU-20-362  
**Attachments:** Utility Strike PU-20-362.pdf

**Importance:** High

Please file as response in PU-20-362.

Thanks,

Victor Schock

---

**From:** Heather <[info@northcountrycontracting.net](mailto:info@northcountrycontracting.net)>  
**Sent:** Monday, September 14, 2020 4:52 PM  
**To:** Schock, Victor F. <[vschock@nd.gov](mailto:vschock@nd.gov)>  
**Subject:** FW: PU-20-362  
**Importance:** High

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Mr. Schock,

I have attached the original paperwork received from you regarding claim PU-20-362.

I have also attached the invoice received from MDU for their repairs as well as the payment confirmation this has been paid.

This was a project being done by Premier Excavating and they subcontracted the work to North Country Contracting. North Country Contracting does a lot of work

Under Premier Excavating as Subcontractors. Each company thought they had the locates called in, but a miscommunication in the office ended up without a locate

at all. The problem has been fixed within the office and going forward there is a system in place to prevent this from happening again.

Thank you for your time and patience,

Heather Fuchs  
North Country Contracting, LLC  
218-227-0632

---

**From:** Heather [<mailto:info@northcountrycontracting.net>]  
**Sent:** Monday, September 14, 2020 8:46 AM  
**To:** 'VSCHOCK@ND.GOV' <[VSCHOCK@ND.GOV](mailto:VSCHOCK@ND.GOV)>  
**Subject:** PU-20-362

Mr. Schock,

Good morning.

Regarding Case Number PU-20-362, I will have the information requested emailed to you today. I just wanted to let you know it's coming.

Thank you,

Heather Fuchs  
North Country Contracting, LLC  
218-227-0632

---

This transmission, email and any files transmitted with it, may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential under federal or state law. If you are not the intended recipient of this message, you may not use, disclose, print, copy or disseminate this information. If you have received this transmission in error, notify the sender (only) and delete the message. This message may also be subject to disclosure under the North Dakota Open Records Laws.



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Brian Kroshus  
Julie Fedorchak  
Randy Christmann

August 12, 2020

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

Mitch Fuchs  
North Country Contracting, LLC  
1620 25<sup>th</sup> St S  
Moorhead, MN 56560

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

Dear Mitch:

Enclosed is a copy of a ND One-Call Complaint, against North Country Contracting, LLC, received by the North Dakota Public Service Commission on August 11, 2020, from Toby Gross at Montana Dakota Utilities, of Bismarck, ND, Case Number PU-20-362. The location of the damage identified in the complaint is 2724 Hawken St, Bismarck, 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 August 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 North Country Contracting, 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,

A handwritten signature in blue ink, appearing to read "V. Schock", written over a horizontal line.

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: Toby Gross



# 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 Montana Dakota Utilities/Toby Gross	Street Address 909 Airport Rd	City Bismarck	State and Zip Code ND 58504
Telephone and Cell Phone Number 701-224-5827 C-701-471-3846	Email Address toby.gross@mdu.com		Date 8/11/2020
<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 North Country Contracting/Derrick Fuhelman	Street Address 1620 25th St S	City Moorhead	State and Zip Code MN 56560
Telephone and Cell Phone Number 218-227-0632		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 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 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: 2724 Hawken St-Bismarck ND
Date and Time of Violation: 7/29/20 @ 4:15 PM
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>  North Country Contracting severed an 1 1/4" gas service line at 2724 Hawken St while installing private underground facilities. Upon arrival our technician noticed no locate marks in the area of the damage, after asking them to provide a locate ticket number we determined that ticket number (20045016) had expired on 8/11/20 and they had not called in for a new ticket since.

## PART D – DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: Natural Gas Service Line                      Montana Dakota Utilities		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$1500		Number of Customers Affected 1
Other impact of event: None		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint Toby Gross	Date 8/11/2020
--	-------------------

**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







# INVOICE

**SOLD TO:**

NORTH COUNTRY CONTRACTING  
1620 25TH ST S  
MOOREHEAD MN 56560

**Invoice Number:** 40767  
**Customer Number:** 649751  
**Invoice Date:** 08/17/20  
**Reference Number:** BIS MDUG-20200729-21812  
**Amount Due:** \$776.82  
**Due Date:** 09/16/20

Return upper portion with your payment to address listed on back

**Terms:** DUE IN 30 DAYS

**Reference:** 2724 HAWKEN STREET, BISMARCK

Line	Due Date	Description	Amount
001	09/16/20	REPAIR GAS SERVICE LINE	\$776.82
		\$455.82 - LABOR	
		\$44.40 - EQUIPMENT	
		\$68.70 - MATERIALS	
		\$207.90 - SUBCONTRACT	
		CAUSE OF DAMAGE: BACKHOE	
		OPERATOR: DERRICK FUHELMAN	
		DATE OF INCIDENT: 07/29/2020	
Please put invoice number 40767 on payment.			
<b>Total</b>		<b>Tax Rate</b>	<b>Total Amount Due</b>
\$776.82			\$776.82

**Payment Options:**

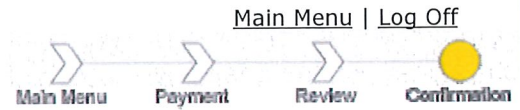
By Phone: A credit/debit card payment can be made by calling our independent service provider. A fee for each transaction will apply.  
MDU -- 844-385-0116  
Great Plains -- 844-385-0117

Online: MDU - [www.montana-dakota.com/invoices](http://www.montana-dakota.com/invoices)  
Great Plains - [www.gpng.com/invoices](http://www.gpng.com/invoices)

Mail: Montana-Dakota Utilities Co.  
Attn: Revenue Accounting  
400 North 4th St  
Bismarck, ND 58506-5603

**Direct Inquiries To:**

877-610-4881



## Credit/Debit Card Payment - Confirmation

Thank you for using Western Union Speedpay!

Details regarding your transaction authorized on Tuesday, August 25, 2020 to make a payment to Montana-Dakota Utilities appear below.

**Account Number:** 649751  
**Confirmation Number:** 10776  
**Payment Date:** Tuesday, August 25, 2020  
**Payment Amount:** \$776.82  
**Fee Amount:** \$4.95  
**Total Payment Amount:** \$781.77

**Card Number:** \*\*\*\*\*5435  
**Card Type:** VISA CARD

Confirmation of your payment has been sent to [INFO@NORTHCOUNTRYCONTRACTING.NET](mailto:INFO@NORTHCOUNTRYCONTRACTING.NET).

\*\*\*Please print and retain a copy of this page for your records.\*\*\*

[Terms and Conditions](#) | [Privacy Policy](#)

© 2020 E Commerce Group Products, Inc. All Rights Reserved. The Speedpay® Service is provided by Speedpay, Inc., a wholly owned subsidiary of The Western Union Company (NYSE:WU). All other logos, trademarks, service marks and trade names referenced in this material are the property of their respective owners.