

Memorandum

To: Commissioners Kroshus, Fedorchak and Christmann

From: Victor Schock Public Utility Analyst

VS

Date: June 16, 2021

Re: ND One-Call Complaint
Case No. PU-20-389

On September 15, 2020, a ND One-Call Complaint was received from Lakin Pullman with Vertex alleging that Alturas Energy, LLC (Alturas) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to locate and mark its underground facilities within 48 hours.

On September 16, 2020, Commission staff issued a letter informing Alturas of Vertex's complaint filing and requested a response by September 30, 2020. No response has been received.

Staff investigation found that on September 9, 2020 Vertex provided an excavation notice to the North Dakota One Call Center (NDOC) with work to begin September 12, 2020. NDOC assigned ticket number 20128400 to the excavation notice. The NDOC ticket status detail shows no activity registered by Alturas for the ticket. The North Dakota One Call law requires positive response to be registered for each ticket by each operator notified on the ticket.

The North Dakota Secretary of State has involuntarily deactivated Alturas Energy, LLC as of May 22, 2015.

The NDOC has confirmed that all facilities that had been registered to Alturas have been transferred to other operators.

Based on its investigation staff believes Alturas did violate the North Dakota One Call law. However, the company is no longer in existence making an administrative proceeding impossible. Staff recommends that no further action be taken and the case be closed.