



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
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

December 14, 2020

Samantha Loebertmann
Xcel Energy
22302 Great Northern Dr
Fargo, ND 58102

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

Dear Samantha:

Enclosed is a copy of a ND One-Call Complaint, against Xcel Energy, received by the North Dakota Public Service Commission on December 9, 2020, from Benji Schwartz at the City of West Fargo, ND, Case Number PU-20-457. The location of the incident identified in the complaint is approximately 9th Ave W and Sheyenne St, West Fargo, 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 December 31, 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 Xcel Energy 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 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: Benji Schwartz

2 PU-20-457 Filed: 12/14/2020 Pages: 2
Letter enclosing North Dakota One-Call Complaint



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 City of West Fargo/Benji Schwartz	Street Address 800 4th ave e	City West Fargo	State and Zip Code ND 58078
Telephone and Cell Phone Number 701-261-1770	Email Address benji.schwartz@westfargond.gov		Date 12/9/2020
<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 Xcel Energy/Samantha Loebertmann	Street Address 22302 Great Northern Dr	City Fargo	State and Zip Code ND 58102
Telephone and Cell Phone Number 701-241-8635/406-461-0659	Email Address samantha.a.loebertmann@xcelenergy.com		

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 type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation <input checked="" 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: 9th Ave W & Sheyenne St. West Fargo ND Ticket Number 20179062
Date and Time of Violation: 12/9/2020 1:34 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> The ticket is to abandon a gas service at a building at 227 9th ave w. Instead of white flagging the one spot, or specifying the location, she calls in the entire South Boulevard from Sheyenne st. East to 2nd St W. This is an entire block, for one spot. This is not the first time that she has ever called in locations of work, and not white flagged or marked location. I could have sent these complaints in 30 times this year. I have tried working with her, and her old boss from Q3, who does work for Xcel. I have even spoken with Xcel numerous times. This has caused countless extra hours of locating, not only for the City, but every other company in town. At this point, they should be charged for all the extras hours worked from each company.

PART D – DAMAGE

Fatalities	Injuries	In-patient 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 Benji Schwartz	Date 12/9/2020
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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