

# Memorandum

To: Commissioners Kroshus, Fedorchak and Christmann

From: Victor Schock Public Utility Analyst

VS

Date: July 16, 2021

Re: ND One-Call Complaint  
Case No. PU-21-135

On April 7, 2021, a ND One-Call Complaint was received from Corinne Houim with Central Trenching, Inc. (Central) alleging that Montana-Dakota Utilities Co. (MDU) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to mark its underground facility within 24 inches horizontally.

Staff investigation found that on April 6, 2021 while conducting an excavation at the corner of 2<sup>nd</sup> St SE and 3<sup>rd</sup> Ave SE in Minot, ND, Central struck MDU's 2" natural gas service line directly above MDU's main line. Further investigation found that MDU had properly located and marked the main line in the area but had not marked any service lines coming off the main line. Central's complaint alleges that they had potholed the main line at a depth of approximately 61 inches, then proceeded to use a backhoe to excavate directly above the main line assuming the depth was consistent. While using the backhoe, Central struck a vertical 'stub' line coming off of the main line at a depth of approximately 18 inches. Central had the responsibility to hand dig within 24 inches of the marked facility, and failed to do so in this instance. It is my belief that if Central hand dug as required by the One-Call law, the damage would not have occurred.

Based on its investigation staff does not intend to file a formal complaint, recommends that no further action be taken and the case be closed.