

Memorandum

To: Julie Fedorchak, Randy Christmann, and Brian Kroshus

From: Adam Renfandt

Date: August 10, 2021

Re: ND One-Call Complaint
Case No. 21-146

On April 16, 2021, a ND One-Call Complaint was received from Brady Horner of West Fargo, ND, alleging that Liberty Fence Company (Liberty) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law for failure to conduct its excavation in a careful and prudent manner.

Staff's investigation found that on April 6, 2021, Liberty personnel provided an excavation notice to the North Dakota One-Call Notification Center (NDOC), with an expiration date of April 30, 2021. The NDOC assigned locate ticket number 21018151. The work was to install a fence.

On April 14, 2021, Liberty began its excavation at the location cited in the excavation notice. The excavation caused damage to a Midcontinent Communications (Midco) facility. The complainant indicated that Liberty hit a Midco line within two feet of the marked underground facilities. However, since the excavation was done by hand, no violation occurred.

Based on Staff's investigation, Staff does not intend to file a formal complaint and recommends that the case be closed.