



## Public Service Commission State of North Dakota

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### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Brian Kroshus

600 East Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

July 13, 2021

Lonnie Kern  
BEK Consulting, LLC  
PO BOX 1010  
Dickinson, ND 58602-1010

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

Dear Lonnie:

Enclosed is a copy of a ND One-Call Complaint, against BEK Consulting, LLC, received by the North Dakota Public Service Commission on June 25, 2021, from Montana-Dakota Utilities Company, Case Number PU-21-241. The location of the damage identified in the complaint is 806 and 820 Bruegger Street, Alexander, 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 Director, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by July 27, 2021**, 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 BEK Consulting, 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 701-328-4153 or at [arenfandt@nd.gov](mailto:arenfandt@nd.gov) with any questions regarding this correspondence.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Renfandt".

Adam Renfandt  
Public Utilities Division  
North Dakota Public Service Commission  
600 E Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480

2 PU-21-241 Filed 07/13/2021 Pages: 3  
Letter enclosing North Dakota One-Call Complaint  
Public Service Commission  
Adam Renfandt

Enc: ND One-Call Complaint  
c: Laura Kraft



# 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 CO/LAURA KRAFT	Street Address 107 10TH ST SW	City WATFORD CITY	State and Zip Code NORTH DAKOTA 58854
Telephone and Cell Phone Number 206-755-4310	Email Address LAURA.KRAFT@MDU.COM		Date 06/24/2021
<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 BEK CONSULTING, LLC/RICHARD PURDON	Street Address 3180 HWY 22 N/PO BOX	City DICKINSON, ND	State and Zip Code 58602
Telephone and Cell Phone Number 701-463-9235	Email Address RICHARDP@BEKWEB.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 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 checked="" 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: 806 AND 820 BRUEGGER ST, ALEXANDER, ND
Date and Time of Violation: 06/2/2021 @ 9:40 AM CT
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>  I RECEIVED NOTIFICATION THAT A PLASTIC GAS SERVICE LINE HAD BEEN STRUCK BY A BEK OPERATOR AND GAS WAS BLOWING. MDU FIRST RESPONDERS ARRIVED ONSITE TO SECURE THE LINE AND MAKE REPAIRS. LOCATES WERE VALID AND ACCURATE. WHILE ONSITE, AN MDU FIRST RESPONDER NOTICED THAT THE NEIGHBORING STEEL GAS SERVICE LINE WAS EXPOSED AND HAD ALSO BEEN STRUCK AS WELL WITHOUT ANY NOTIFICATION. (LOCATES ALSO VALID AND ACCURATE.) THE STEEL LINE WAS DENTED AND SCRAPED UP. IT APPEARED THAT THE OPERATOR WAS NOT FORTHCOMING BUT EVENTUALLY ADMITTED TO STRIKING THAT ONE, TOO. THESE TWO EVENTS, ALONG WITH THREE OTHERS IN RECENT WEEKS (STRIKING TWO OVERHEAD LINES AND ONE DISTRIBUTION POLE), HAS CAUSED ALARM THAT CONSTRUCTION IS NOT BEING CONDUCTED IN A CAREFUL AND PRUDENT (CONTINUED ON NEXT PAGE)

## PART D – DAMAGE

Fatalities N/A	Injuries N/A	In-patient Hospitalization N/A
Underground facility type(s) and Operator(s) affected: 3/4" PLASTIC GAS SERVICE LINE AND 1" STEEL GAS SERVICE LINE		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$2441 AND RISING	Number of Customers Affected 2+	
Other impact of event: CAUSED AN UNNECESSARY INTERRUPTION TO AN MDU GAS CUSTOMERS AND STRAINED RESOURCES ALLOCATED TO FACILITATE THE ONGOING INFRASTRUCTURE IMPROVEMENT PROJECT TO BENEFIT THE GREATER GOOD OF THE COMMUNITY/CITY OF ALEXANDER		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 06/24/21
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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

1 PU-21-241 Filed 06/25/2021 Pages: 2  
North Dakota One-Call Complaint  
Montana-Dakota Utilities Co.  
Laura Kraft

(CONTINUED FROM PREVIOUS DESCRIPTION PAGE) MANNER THAT PRESENTS A CLEAR AND IMMINENT DANGER OF NEGLIGENCE. THESE EVENTS DEMAND IMMEDIATE ACTION TO PREVENT OR MITIGATE LOSS OF, OR DAMAGE TO, LIFE, HEALTH, PROSPERITY, OR ESSENTIAL PUBLIC SERVICES. IN HOPES OF RESOLVING THESE DAMAGES AND CLEAR SAFETY ISSUES, MDU HAS HAD DISCUSSIONS WITH BEK PERSONNEL BUT OUR CONCERN IS ONLY INTENSIFYING AS THESE INCIDENCES APPEAR TO BE SHRUGGED OFF WITHOUT CONSEQUENCE FOR ACTIONS.