



Public Service Commission State of North Dakota

COMMISSIONERS

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600 East Boulevard Avenue Dept. 408
Bismarck, ND 58505-0480
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Phone: 701-328-2400
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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 July 1, 2021, from Montana-Dakota Utilities Company, Case Number PU-21-305. The location of the damage identified in the complaint is 112 and 104 Manning Avenue, 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 with any questions regarding this correspondence.

Sincerely,

A blue ink handwritten signature of Adam Renfandt.

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

2 PU-21-305 Filed 07/13/2021 Pages: 17
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 07/01/2021
<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 701-483-9235		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: 112 AND 104 MANNING AVE, ALEXANDER, ND
Date and Time of Violation: 06/30/2021 @ APPROXIMATELY 4:00 PM CT IT WAS OBSERVED BUT ULTIMATELY UNKNOWN AS IT WAS NOT REPORTED
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> STEEL SERVICE GAS LINE FOR THE CITY HALL AND RURAL FIRE DEPARTMENT HAD BEEN EXPOSED AND DAMAGED WHILE MAKING CUTS TO ACCOMMODATE INFRASTRUCTURE IMPROVEMENT PROJECT RESULTING IN AN UNNECESSARY REPLACEMENT. DAMAGE ALSO WENT UNREPORTED TO MDU REPRESENTATIVES BY THE DAMAGING PARTY (BEK). THE VERY NEXT DAY, BEK CONSULTING KNOCKED DOWN TWO PHASES OF PRIMARY ON AN MDU ELECTRIC OVERHEAD LINE. THE PRIMARY FELL ON TO A SERVICE LINE AND CAUSED VOLTAGE TO SHOOT THROUGH THE METER SOCKET AND BURN UP THE METER, METER SOCKET AND LIGHTS INSIDE. IT ALSO AFFECTED SEVERAL OTHER METER SOCKETS AS THEY WERE NOT REGISTERING CORRECTLY.

PART D – DAMAGE

Fatalities N/A	Injuries N/A	In-patient Hospitalization N/A
Underground facility type(s) and Operator(s) affected: 3/4" STEEL GAS SERVICE LINE (MULTI-METER SETTING)		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$3,000	Number of Customers Affected 3+	
Other impact of event: CAUSED AN UNNECESSARY INTERRUPTION TO 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. THIS EVENT, ALONG WITH THE EXTENSIVE DAMAGE TO THE OVERHEAD LINE, THREATENS THE WELL BEING AND SAFETY OF THEMSELVES AND OTHERS.		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

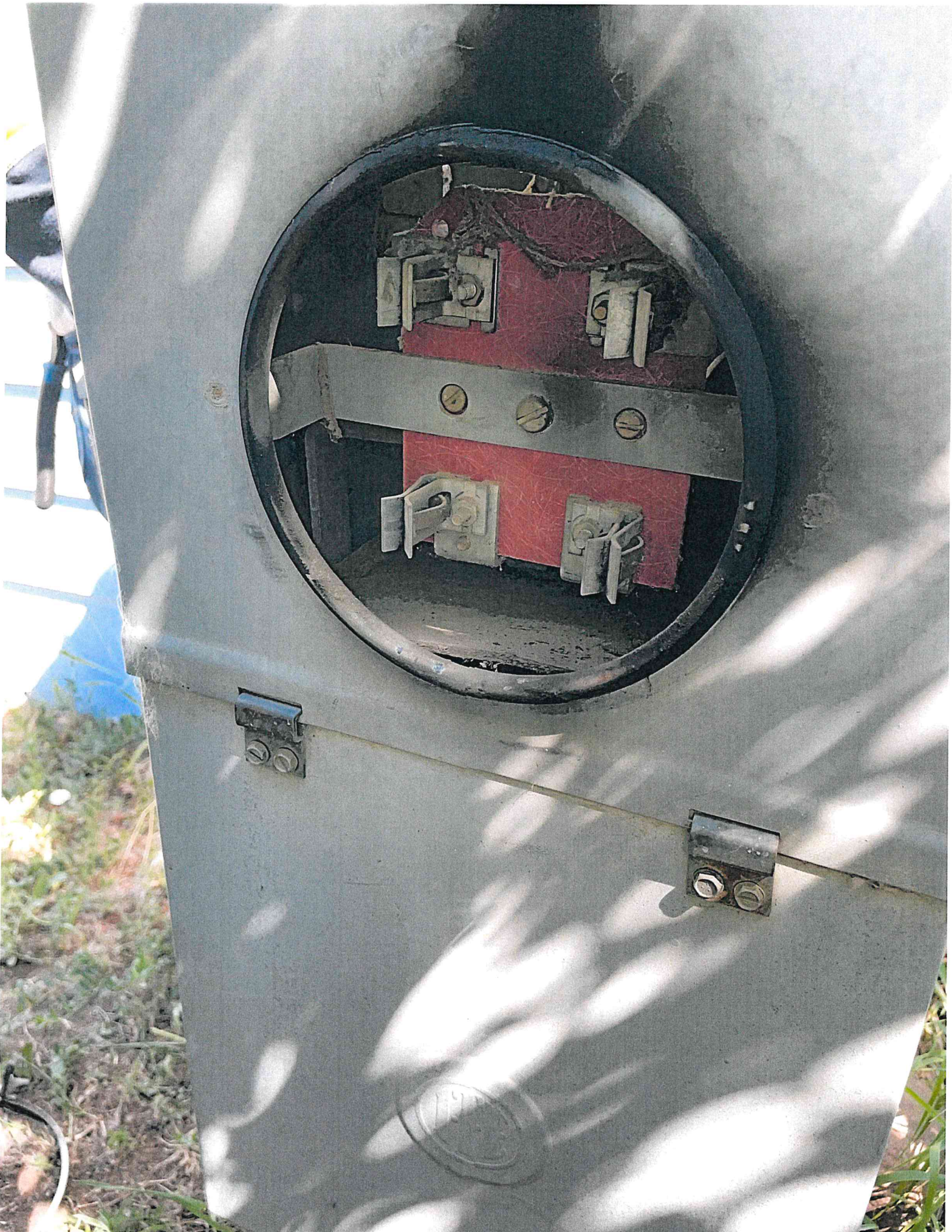
Signature of Person Filing Complaint 	Date 07/01/2021
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Submit

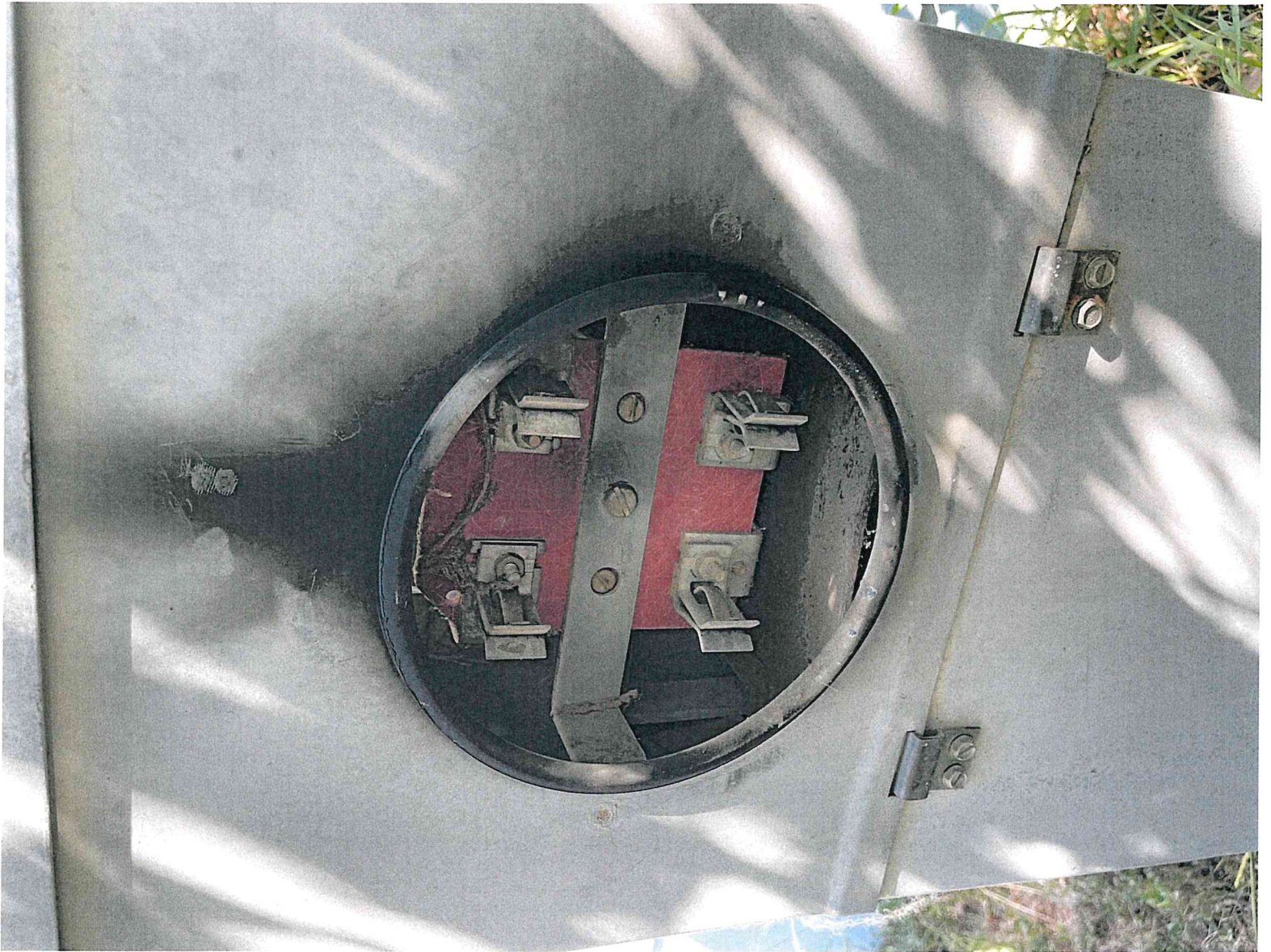
If the "Submit" function is not working properly, please print the completed form and then either **email to** ndpsc@nd.gov, **fax to** 701-328-2410 or **send to** Public Service Commission, 600 E Boulevard Ave Dept 408, Bismarck ND 58505-0480.

Telephone: (701) 328-2400

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North Dakota One-Call Complaint
Montana-Dakota Utilities Co.
Laura Kraft









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