

Memorandum

To: Commissioners Julie Fedorchak, Randy Christmann, and Brian Kroshus

From: Adam Renfandt

Date: 9/3/2021

Re: ND One-Call Complaint
Case No. 21-361

On August 9, 2021, a ND One-Call Complaint was received from Alliance Pipeline LP (AP) alleging that Martin Construction, Inc. (MC) violated North Dakota Century Code Chapter 49-23: One-Call Excavation Notice System law for excavating while the operator was not present.

On July 15, 2021, MC's personnel provided an excavation notice to the North Dakota One-Call Notification Center (NDOC). The NDOC assigned locate ticket number 21084394. The work related to grading. The expiration of the ticket was August 10, 2021.

On July 19, 2021, MC personnel began its excavation at the location cited in the excavation notice. The excavation caused no damage to AP's pipeline. The basis for AP's complaint was that they were not present to observe the excavation. However, ND One-Call law does not require that an operator be present during an excavation, and all operators had marked and cleared their lines prior to the excavation.

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