



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian Kroshus

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
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Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

October 20, 2021

William Hier
Lower Yellowstone Irrigation Project
2327 Lincoln Ave
Sidney, MT 59270-8800

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

Dear William:

Enclosed is a copy of a ND One-Call Complaint, against Lower Yellowstone Irrigation Project, received by the North Dakota Public Service Commission on October 13, 2021, from Darwin Johnson, of Fairview, ND, Case Number PU-21-408. The location of the damage identified in the complaint is approximately 2994 160th Ave NW, Fairview, 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 Secretary, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by November 3, 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 Lower Yellowstone Irrigation Project 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 701-328-3397 or at vschock@nd.gov with any questions regarding this correspondence.

Sincerely,

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

Enc: ND One-Call Complaint
c: Darwin Johnson

2 **PU-21-408** Filed: 10/20/2021 Pages: 2
Letter enclosing North Dakota One-Call Complaint

Public Service Commission Staff

Victor Schock



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 DARWIN JOHNSON	Street Address 2994 160TH AVE NW	City FAIRVIEW	State and Zip Code MONTANA 59221
Telephone and Cell Phone Number 406-478-0766	Email Address dorothy56cht@hotmail.com		Date 10/13/2021
<input 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 LOWER YELLOWSTONE IRRIGATION PROJECT	Street Address 2327 LINCOLN AVE SE	City SIDNEY	State and Zip Code MONTANA 59270
Telephone and Cell Phone Number 406-433-1306		Email Address	

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 checked="" 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 checked="" type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) <u>EXCAVATOR FAILED TO MARK PERIMETER OF EXCAVATION LOCATION NO flags</u>
Location of Violation: 2994 160TH AVE NW MC KENZIE COUNTY, NORTH DAKOTA
Date and Time of Violation: 10/12/2021 DO NOT KNOW THE TIME WE WERE AT A FUNERAL
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> TICKET NUMBER 21125593 TYPE OF WORK CLEAN DRAIN INSTEAD DUG THRU 160TH AVE NW TO REPLACE CULVERT NOT STATED ON ONE CALL

PART D – DAMAGE

Fatalities	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected: PHONE LINE 701-744-5196		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$		Number of Customers Affected 1
Other impact of event: LOSS OF SERVICE CONSIDER \$100.00 A DAY UNTIL SERVE IS RESTORED. WE HAD A DEATH IN THE FAMILY DURING THIS TIME NOT EVERYONE KNOWS OUR CELL NUMBERS.		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint DARWIN B. JOHNSON	Date 10/13/2021
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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