

Memorandum

To: Commissioners Kroshus, Fedorchak and Christmann

From: Victor Schock Public Utility Analyst

VS

Date: November 3, 2021

Re: ND One-Call Complaint
Case No. PU-21-408

On October 13, 2021, a ND One-Call Complaint was received from Darwin Johnson (Mr. Johnson) alleging that Lower Yellowstone Irrigation Project (LYIP) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to conduct its excavation in a careful and prudent manner.

Staff investigation found that on September 20, 2021 LYIP personnel contacted the North Dakota One Call Notification Center (NDOC), with work to begin in the area cited in the complaint to begin on September 23, 2021. The NDOC assigned locate ticket number 21125593 to the excavation notice, which indicates the work was clean drain 27-19, the expiration date for the locate ticket is October 14, 2021. On October 12, 2021, LYIP personnel began an excavation to clean an irrigation ditch near Mr. Johnson's residence. During this excavation an unmarked communications line owned by CenturyLink was damaged. LYIP notified Century Link of the damage on October 12, 2021 and received a trouble ticket number of 19808038. The damage resulted in a telephone service outage to Darwin Jonson for an extended period of time. The extensive outage was due to CenturyLink's slow response time and lack of properly marking their underground facilities rather than a lack of careful and prudent excavation on the part of LYIP.

Based on its investigation staff does not intend to file a formal complaint, recommends that no further action be taken and the case be closed.