

Memorandum

To: Commissioners Kroshus, Fedorchak and Christmann

From: Victor Schock Public Utility Analyst VS

Date: March 4, 2022

Re: ND One-Call Complaint
Case No. PU-21-418

On October 25, 2021, a ND One-Call Complaint was received from Ryan Farmer with Kinder Morgan alleging that Chaznline Construction, Inc (Chaznline) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by beginning an excavation prior to receiving notice that all facilities in the excavation area have been located or cleared or the expiration of the locate period.

On October 26, 2021, Staff mailed Kinder Morgan's complaint to Chaznline, requesting a response by November 9, 2021. Staff attempted to contact Chazline by email on November 16, 2021, and by phone December 21, 2021. As of March 7, 2022, Staff has received no responses to any of these communications.

On January 5, 2022, Staff filed a formal complaint against Chaznline, which was found to state a prima facie case by the Commission on February 2, 2022. The complaint was forwarded to Chaznline via certified mail on February 3, 2022. On March 3, 2022, the certified mail was returned as unclaimed.

Staff has conducted additional research into Chaznline, which was involuntarily deactivated by the North Dakota Secretary of State on July 9, 2020. Staff has learned that Chaznline Construction, Inc may have been dissolved and reformed as Chaznline, LLC, however there is no definitive evidence proving a relationship between the two companies.

Staff believes continuing to pursue Chaznline Construction, Inc to be a futile effort that would only result in an inefficient use of Commission resources. Since there was no damage caused by the alleged violation, the maximum penalty Staff recommended was \$500. The likely result of additional efforts in this case would be that the Commission finds a defunct company that no longer exists in violation of the One-Call law.

Based on its investigation staff respectfully requests the Commission to withdraw its complaint and close the case.