

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Chaznline Construction, Inc.
Damage Prevention Enforcement

Case No. PU-21-418

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **4th day of April 2022**, she deposited in the United States Mail, at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Order on Complaint Withdrawal**

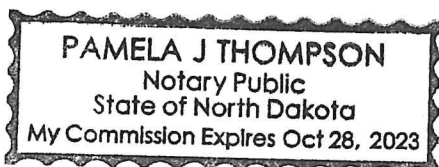
The envelopes were addressed as follows:

Luke Weiss
Chaznline Construction, Inc.
13524 Highway 16
Sidney, MT 59270-0215
Cert. No. 7020 1290 0001 6150 9269

Ryan Farmer
Kinder Morgan
611 37th Ave SE Bldg. 29
Williston, ND 58801
Cert. No. 7020 1290 0001 6150 9276

The addresses shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **4th day of April 2022**.



SEAL

A handwritten signature in blue ink, appearing to read "Pamela J Thompson", written over a horizontal line. Below the signature is the printed text "Notary Public".

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ORDER ON COMPLAINT WITHDRAWAL

March 30, 2022

Preliminary Statement

On October 25, 2021, the Commission received a ND One-Call Complaint from Kinder Morgan alleging a violation by Chaznline Construction, Inc. (Chaznline) of North Dakota Century Code (NDCC) chapter 49-23: One-Call Excavation Notice System.

On October 26, 2021, the Commission sent a letter to Chaznline enclosing the October 25, 2021, Complaint, requesting a response by November 9, 2021.

Chaznline has not responded to the Commission's October 26, 2021, letter.

On January 5, 2022, Public Service Commission Advocacy Staff (Advocacy Staff) filed a complaint alleging that Chaznline violated NDCC section 49-23-04(4) of the ND One-Call Excavation Notice System 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 (Complaint).

On February 2, 2022, the Commission found Advocacy Staff's Complaint states a prima facie case and served the Complaint by certified mail on Chaznline.

On March 2, 2022, the Commission's certified mail receipt was returned as unclaimed and unable to forward.

On March 4, 2022, Advocacy Staff filed a Memorandum with supplemental information regarding Chaznline and its Complaint.

Discussion

Chaznline Construction, Inc. (Chaznline) was registered as a foreign corporation with offices located at 13524 Highway 16, Sidney, MT 59270-0215. Chaznline is listed as inactive – involuntary and not in good standing with the North Dakota Secretary of State. Due to this status, there is no registered agent listed.

Advocacy Staff's March 4, 2022, Memorandum states that Chaznline was involuntarily deactivated by the North Dakota Secretary of State on July 9, 2020. Advocacy Staff believes that continuing to pursue Chaznline would be a futile effort that would only result in an inefficient use of Commission resources. The Memorandum further states that, since there was no damage caused by the incident, and since the maximum penalty recommended by Advocacy Staff was \$500, and since the likely result of additional efforts would be a finding that Chaznline is a defunct company that no longer exists, Advocacy Staff requests to withdraw its Complaint and Commission close the case.

Having considered this matter, the Commission finds Advocacy Staff's request to withdraw its Complaint and close the case should be granted. Therefore, the Commission issues the following:

Order

1. Advocacy Staff's request to withdraw its January 5, 2022, Complaint against Chaznline Construction, Inc. is GRANTED.
2. Case No. PU-21-418 is closed.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Julie Fedorchak
Chair


Sheri Haugen-Hoffart
Commissioner