



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
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Fax: 701-328-2410
TDD: 800-366-6888 or 711

February 3, 2022

Mike Stock
Dirt Dynamics
4206 3rd Ave N
Fargo, ND 58102-3907

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

Dear Mike:

Enclosed is a copy of a ND One-Call Complaint, against Dirt Dynamics, received by the North Dakota Public Service Commission on February 2, 2022, from Joe Storbakken at the City of Abercrombie, ND, Case Number PU-22-71. The location of the damage identified in the complaint is approximately 605 Sheyenne Dr, Abercrombie, 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 February 18, 2022**, 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 Dirt Dynamics 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: Joe Storbakken

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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 City of Abercrombie ND/ Joe Storbakken	Street Address PO Box 103	City Abercrombie	State and Zip Code ND 58001
Telephone and Cell Phone Number 701-866-4256	Email Address joe.storbakken@titanmachinery.com		Date 2/2/22
<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 Dirt Dynamics	Street Address 4206 3rd Ave N	City Fargo	State and Zip Code ND 58102
Telephone and Cell Phone Number 701-793-3055	Email Address mstock.dirtynamics@gmail.com		

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 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 checked="" 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 checked="" type="checkbox"/> Excavator failed to maintain the markings during excavation <input type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____
Location of Violation: City of Abercrombie
Date and Time of Violation: 1/27/22. Around noon.
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> Dirt Dynamics had a locate called in ND21165035 That locate was called in early December. Company excavated the locate location on 1/27/22 after the expiration of the locate. While excavating the company hit main water line and failed to notify the City until late that day. The city has yet to determine if any utility lines have been hit due to water issues and weather. Further explanation and a witness is Al Vetter from Ottertail Power Company.

PART D – DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: No		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ To be determined	Number of Customers Affected None - new residency	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Joe Storbakken, Mayor	Date 2/2/22
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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

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North Dakota One-Call Complaint
City of Abercrombie
Joe Storbakken