



Public Service Commission
State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

April 19, 2022

Mike Dolbeck
Windsong Custom Homes
P.O. Box 11244
Williston, ND 58803-0041

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

Dear Mr. Dolbeck:

Enclosed is a copy of a ND One-Call Complaint, against Windsong Custom Homes received by the North Dakota Public Service Commission (Commission) on April 13, 2022, from Montana-Dakota Utilities Co., Williston, North Dakota, Case Number GS-22-167. The location of the damage identified in the complaint is 2702 30th St. W, Williston, North Dakota.

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 May 4, 2022**, with your written account of the event, including the applicable One-Call locate ticket number for work performed at the location indicated above.

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 Windsong Custom Homes 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 701-328-4097 or at kcrockford@nd.gov with any questions regarding this correspondence.

Sincerely,

Konrad Crockford
Director, Compliance Division

Enc: ND One-Call Complaint

c: Montana-Dakota Utilities Co.



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 Montana Dakota utilities William Dutton	Street Address 121 8th ave W	City Williston	State and Zip Code ND 58801
Telephone and Cell Phone Number 701-770-3171	Email Address bill.dutton@mdu.com		Date 4/13/2022
<input checked="" 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 Windsong custom homes	Street Address 1407 W Dakota Parkway	City williston	State and Zip Code nd 58801
Telephone and Cell Phone Number 701-572-8050	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 checked="" 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 checked="" 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 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 type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____
Location of Violation: 2702 30th st W Williston nd 58801
Date and Time of Violation: 4/8/2022 2:15 pm
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> 49-23-04 1 no locate where called in

PART D – DAMAGE

Fatalities no	Injuries no	In-patient Hospitalization no
Underground facility type(s) and Operator(s) affected: 2" gas main		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$	Number of Customers Affected non	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

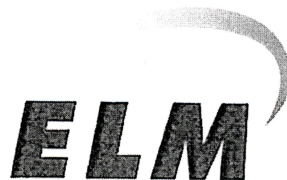
PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 4-13-2022
--	-------------------

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



INCIDENT INVESTIGATION #215977



2702 30th St W, Williston, ND

LOCATION DETAILS

Event Date: 04/08/2022 01:30 PM America/Denver

Right-of-Way:

AFFECTED FACILITY

Near Miss: No

Type of Operation Affected: Gas

Line Size and Type: 2" Plastic

Facility part of joint trench: No

Asphalt or concrete removed: No

Damage Surface Type and Depth: Dirt 18" - 36"

Arrival Date and Time: 04/08/2022 02:30 PM America/Denver



EXCAVATION INFORMATION

Excavator Type: Contractor

Excavation Equipment: Auger

Work Performed: Site Development

Excavator downtime? No

Downtime hours: No

Downtime cost: No

NOTIFICATION AND LOCATING

One Call Center notified: No

Locator Type: Contract Locator

Work area white-lined: No

Ticket Number: No locate requested

Date Located:

Located By: No locate requested

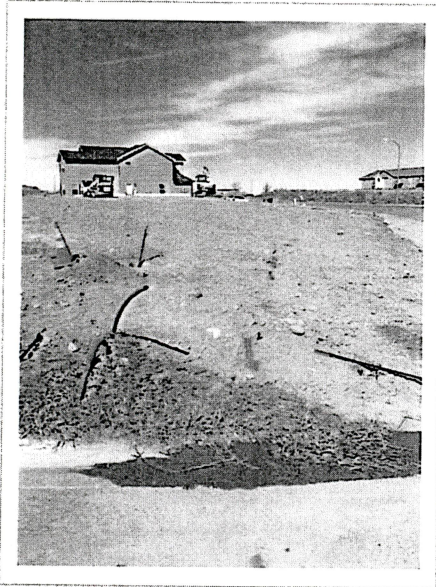
INTERRUPTION AND RESTORATION

Event cause Interruption: No

Interruption hours:

Customers Affected (approx.): 1

NEW INCIDENT PHOTOS



Date: 04/08/2022 03:03 PM America/Denver

Latitude: 48.172753

Longitude: -103.659579

Heading: 18 degrees

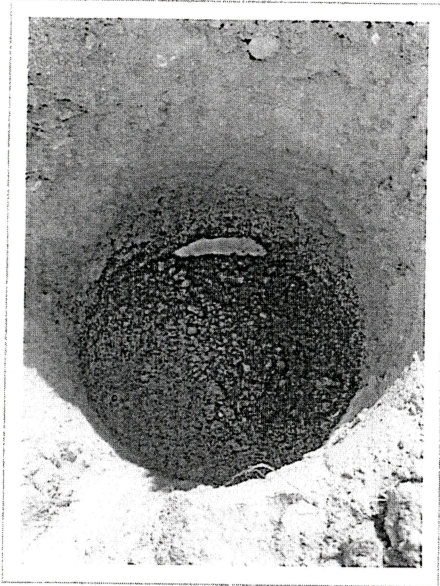


Date: 04/08/2022 03:04 PM America/Denver

Latitude: 48.172847

Longitude: -103.659542

Heading: 193 degrees



Date: 04/08/2022 03:04 PM America/Denver

Latitude: 48.172850

Longitude: -103.659542

Heading: 208 degrees



Date: 04/08/2022 03:04 PM America/Denver

Latitude: 48.172850

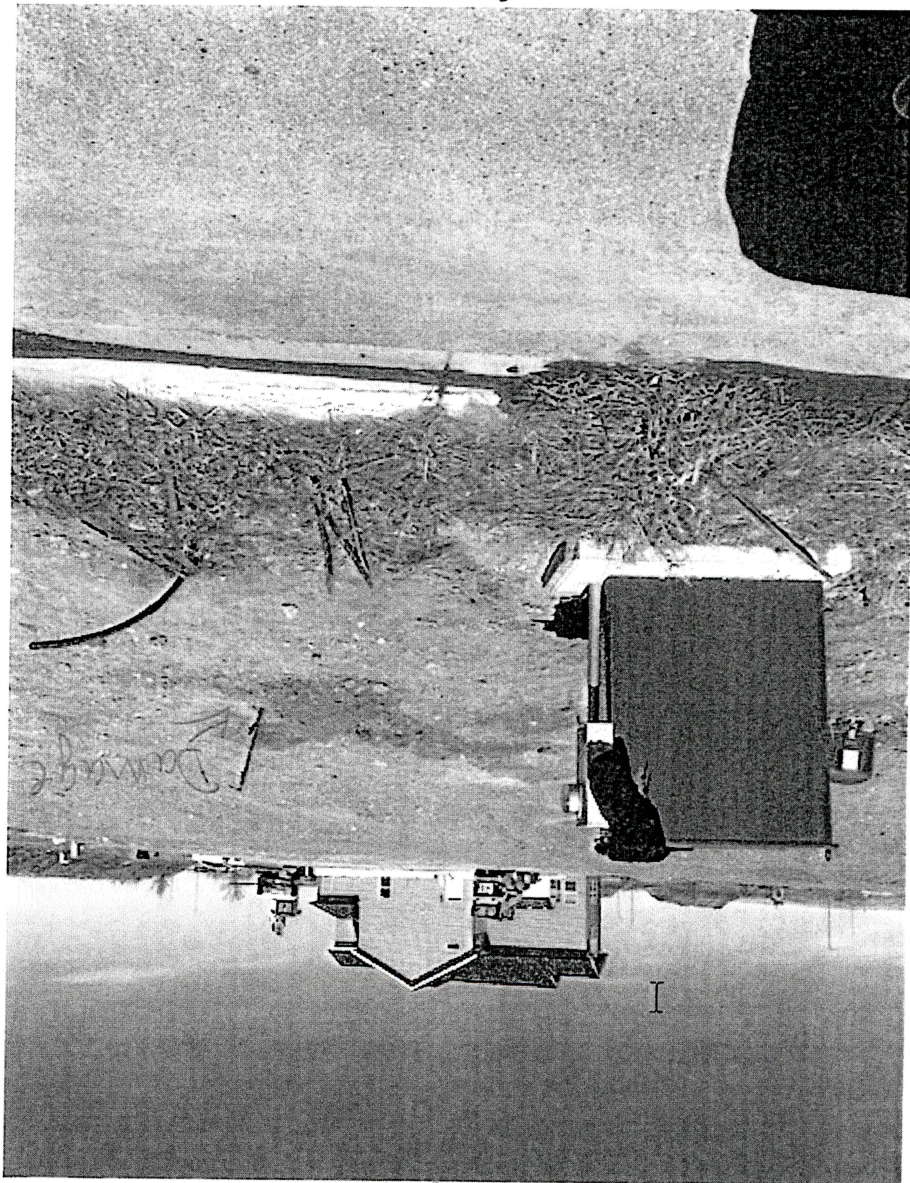
Longitude: -103.659533

Heading: 210 degrees

Damage at 2702 30th st w



East



North

Damage

I

West

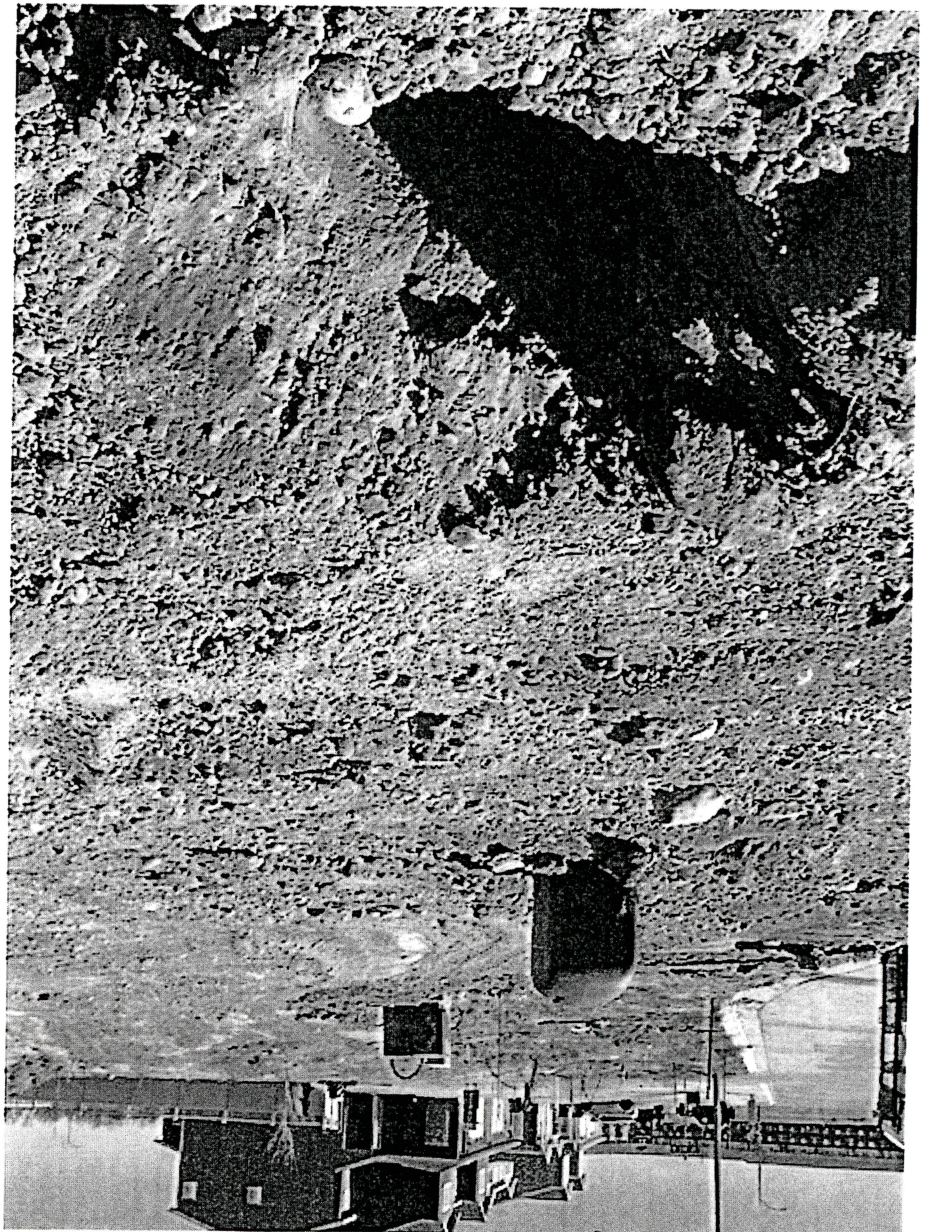
West



South

East

+503



+10N

+52M