

## Hamre, John G.

---

**From:** Mark Forseth <markforseth@rrv.net>  
**Sent:** Friday, July 29, 2022 9:35 AM  
**To:** Crockford, Konrad S.  
**Subject:** RE: [EXTERNAL] RE: ND One-Call Complaint case #GS-22-168  
**Attachments:** HTC Comments 7-29-2022.pdf; HTC Photo #1-zoomed.JPG; HTC Photo #2 zoomed.JPG

\*\*\*\*\* **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

Konrad,

Thanks for the below information. I have attached a comment on Mr. Bowling's Affidavit perhaps please feel free ask any questions.

Thanks and have a great weekend.

Mark Forseth  
CEO/General Manager  
Office: (218)-456-2125  
1-800-457-2125  
Fax: (218-456-2196)



---

**From:** Crockford, Konrad S. [mailto:kcrockford@nd.gov]  
**Sent:** Thursday, July 28, 2022 1:06 PM  
**To:** Mark Forseth <markforseth@rrv.net>  
**Subject:** [EXTERNAL] RE: ND One-Call Complaint case #GS-22-168

Mark,

You're welcome to send in any information you wish. At this point, Staff believes there is enough evidence to support a violation of the ND One-Call law so now we are engaging in settlement discussions.

**Konrad Crockford**  
**Director, Compliance Division**

*Weights & Measures • Railroad Safety • Pipeline Safety  
Auction Licensing • Risk Management • Damage Prevention*

701.328.4097 • [kcrockford@nd.gov](mailto:kcrockford@nd.gov) • [www.psc.nd.gov](http://www.psc.nd.gov)

**From:** Mark Forseth <[markforseth@rrv.net](mailto:markforseth@rrv.net)>  
**Sent:** Thursday, July 28, 2022 13:00  
**To:** Crockford, Konrad S. <[kcrockford@nd.gov](mailto:kcrockford@nd.gov)>  
**Subject:** ND One-Call Complaint case #GS-22-168

**\*\*\*\*\* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. **\*\*\*\*\***

Greetings Mr. Crockford,

I see that just lately an Affidavit from Doug Bowling was posted on the ND PSC website for ND One-Call Complaint case #GS-22-168.

Upon a quick review I have notice that Mr. Bowling has listed an incorrect understanding of HTC's claim. Can I provide information that should help clear up his misunderstanding of our claim?

Have a good day!

Mark Forseth  
CEO/General Manager  
Office: (218)-456-2125  
1-800-457-2125  
Fax: (218-456-2196)



This transmission, email and any files transmitted with it, may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential under federal or state law. If you are not the intended recipient of this message, you may not use, disclose, print, copy or disseminate this information. If you have received this transmission in error, notify the sender (only) and delete the message. This message may also be subject to disclosure under the North Dakota Open Records Laws.



July 28, 2022

Konrad Crockford  
Director Compliance Division  
Public Service Commission  
600 E Boulevard Ave Department 408  
Bismarck, ND 58505-0408

Re: ND One-Call Complaint case #GS-22-168

Greetings Mr. Crockford,

I have recently read the Affidavit of Doug Bowling filed with your office on July/20/2022 and wish to make a comment with regards to paragraph 8 which I have pasted below.

- 8. I cannot speak to the location or time/date of photos #1 and 2, except to say that the white pipe in the photos could be the ECRWD water pipe we used during the project. I also noted that the marker in photo #2 appears to be a marker set by our engineer to mark the planned water line path. The flag in #2, that I understand HTC is claiming to be the same flag or a flag in the same location as depicted in Photo #3, cannot be the same flag or the same location. I believe the marker near the white vent in photo #3 was placed by the engineer. I believe the engineer's marker near the vent in #3 could be the same engineer's marker as depicted in Photo #2. The flag in the lower half of Photo #3 is not close to the vent so I do not believe it could be the same flag as depicted in #2. See my response in paragraph #10 for further explanation why I believe the HTC flag(s) in #2 and #3 are in different locations and why I believe my team and I followed reasonable measures to ensure the Excavation site was free of conflicts before digging.**

As stated in the above paragraph 8 from Mr. Doug Bowling's Affidavit submitted to your office on July 20, 2022. Mr. Bowling's understanding is that HTC's claim is that the flag in photo #2 to be the same flag depicted in photo #3. This is an incorrect understanding of HTC's claim. HTC's claim is that photo #1 page 7 (PDF pages) (The photo that shows Brett Peterson locating ticket #21060828 on 6/11/2021 in the muddy field) shows an HTC's locate flag to the far left of Mr. Peterson, having just been place by him. The flag in photo #1 (pre-cut) is also the flag shown in the lower corner of photo #3 page 9 (PDF pages) (post-cut). I have included a snip from a zoomed in version of photo #1 showing

HTC's locate flag circled. It is hard to respond to the remainder of Mr. Bowling's affidavit because it is based on his misunderstanding of HTC's claim.

To provide further clarification, photo #2 page 8 (PDF pages) shows a stake placed for the water pipeline route taken on day of the of the locate (6/11/2021) very near to where the line was cut on 6/19/2021. It also shows two of HTC's locate flags on both sides of the proposed water pipeline route stake. I have included a snip from a zoomed in version of photo #2 showing the two HTC locate flags circled. The two flags in photo #2 (pre-cut) and the flag shown in photo #1 (pre-cut)/photo #3(post-cut) all show that HTC's cable at the site of the cut was correctly located as it transitioned from public right-of-way to private easement.

I hope this clarifies HTC's claim. If there are any questions please feel free to contact me.

Sincerely,



Mark Forseth, CEO



