



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

May 20, 2022

Mike Small
Norwest Concrete
2022 4th Ave. NW
Minot, ND 58703-2966

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

Dear Mr. Small:

Enclosed is a copy of a ND One-Call Complaint, against Norwest Concrete received by the North Dakota Public Service Commission (Commission) on May 19, 2022, from Terry & Betty Clementich, Minot, North Dakota, Case Number GS-22-197. The location of the damage identified in the complaint is 1101 23rd St. NW, Minot, 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 June 3, 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 Norwest Concrete 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: Terry & Betty Clementich



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 Terry & Betty Clementich	Street Address 1101 23rd st NW	City Minot	State and Zip Code ND 58703
Telephone and Cell Phone Number 7017202535	Email Address clem1234@srt.com		Date May 16, 2022
<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 Norwest Concrete Mike Small	Street Address 2202 4th Ave NW	City Minot	State and Zip Code ND 58703
Telephone and Cell Phone Number 7016517716			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: 1101 23rd st NW
Date and Time of Violation: 6/25/2020
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> Mike came to our house 1101 23rd st NW to pour concrete, color, stamp, widen steps. Mike dug out dirt and hit a power line. He (didnt) call 811, then in October our electric went out, took a whole week find out what had happen. Then CTI had to cut hole in are new concrete, then Mike had to cut a hole also, Almost two years later we still have the holes and no sign from Mike. I turn this over the Office of Attorney General and he told me I should make a complaint with you because he didnt believe this is his fault. Cost of concrete 24,000.

PART D – DAMAGE

Fatalities Back yard patio	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected: electric line		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$		Number of Customers Affected
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Terry And Betty Clementich	Date 5.16.22
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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