



2302 Great Northern Drive
P.O. Box 2747
Fargo, North Dakota 58102
(701) 241-8632
dave.sederquist@xcelenergy.com

June 3, 2022

—VIA EMAIL & U.S. MAIL—

Mr. Konrad Crockford, Director Compliance
North Dakota Public Service Commission
State Capitol Building, Dept. 408
600 East Boulevard
Bismarck, ND 58505-0480

RE: ND ONE-CALL SYSTEM – STELLER TRENCHING COMPLAINT
N.D.C.C. CHAPTER 49-23

Dear Mr. Crockford:

Pursuant to your May 20 letter notifying us of the complaint from Steller Trenching, Inc., Northern States Power Company, doing business as Xcel Energy (NSP or the Company), provides the following response.

The complainant states that the Company failed to locate a privately-owned electric service line at 4553 9th Ave. SW in Fargo, ND.

According to N.D. Century Code 49-23-04, the Company is required only to locate underground facilities that it owns and operates. Locating service lines owned by a separate commercial entity is the responsibility of that commercial entity. Specifically, part 6.a. of the statute says:

An operator with underground facilities within the area of a location request shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator within the location period or as agreed by the parties.

An operator is defined in 49-23-01 as follows:

“Operator” means a person who owns or operates an underground facility, including a master meter operator with underground facilities, or a state or local governmental entity. The department of transportation is considered an operator for the department’s facilities buried on the department’s rights of way. A person is not considered an operator solely because the person is an owner or tenant of real property where underground facilities are located if the underground facilities are used exclusively to furnish services or commodities on that property.

Part 4 of NDCC 49-23-04 also says

An excavator may begin excavation in a location when the excavator has received notice that all facilities have been located or cleared or at the expiration of the location period or extension of the location period.

As you know, the One-Call center notifies excavators when all participating One-Call operators are “clear”, meaning that the facilities they own/operate have been located and marked. Excavators are also notified that there may be private facilities in the excavation area owned by parties not listed as One-Call operators, and it is the excavator’s responsibility to make arrangements with the property owner to have any such facilities located.

We fully agree with Steller Trenching that any line coming out of the transformer or a nearby transition box should be located. However, in this instance that responsibility lies with the owner of the privately-owned electric service line and not Xcel Energy, as indicated in the One-Call statute.

Please contact me if you have any further questions about this response. Thank you.

SINCERELY,

A handwritten signature in blue ink that reads "David H. Sederquist". The signature is written in a cursive, flowing style.

DAVID H. SEDERQUIST
SR. CONSULTANT, REGULATION & FINANCE

cc: Stellar Trenching, Inc. (Stellartr@msn.com)