

PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA

M E M O R A N D U M

TO: Commissioners Fedorchak, Christmann, and Haugen-Hoffart  
Steve Kahl, Executive Secretary

FROM: Konrad Crockford, Director, Compliance Division

DATE: October 25, 2022

RE: ND One-Call Complaint  
Case No. DM-22-324

On July 15, 2022, a ND One-Call Complaint was received from Ben Pollis with PMT Services, Inc. (PMT) alleging that Summit Utility Services, LLC (Summit) violated N.D.C.C. Chapter 49-23 One-Call Excavation Notice System for failing to locate an underground facility within 48 hours. Due to Summit being the contracted locating company and not the operator, Staff requested PMT to refile their ND One-Call Complaint using the operator's name.

On August 8, 2022, PMT refiled their ND One-Call Complaint alleging that Missouri Valley Communications/Nemont (Nemont) violated N.D.C.C. Chapter 49-23 One-Call Excavation Notice System for failing to locate an underground facility within 48 hours. In addition to the complaint, PMT provided six ND One-Call Ticket Numbers (tickets) where PMT alleged that they were not contacted, or the ticket was delayed.

On August 25, 2022, PMT emailed Staff requesting their complaint be withdrawn. Staff declined to acquiesce their request since Staff had not received Nemont's response to the complaint. On September 9, 2022, Nemont responded to the ND One-Call complaint.

Staff investigated the complaint and found that while Nemont exceeded the locate period on the six tickets, each ticket identified that PMT was contacted by Nemont, and arrangements were made to extend the locate period. Extensions to the locate period are authorized provided the parties agree to the extension. Staff requested additional details from PMT in order to determine if PMT did in fact agree to the locate period extensions; however, PMT did not respond to Staff's request. On October 25, 2022, Staff spoke with PMT and PMT declined to continue to proceed with the complaint.

Based on the investigation, there is not sufficient evidence to support a violation and the complainant is unable to provide a witness to substantiate the allegations. Therefore, Staff does not intend to file a formal complaint, recommends that no further action be taken, and the case be closed.