



Public Service Commission
State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

**RESPONSE REQUIRED BY
MARCH 14, 2023**

February 23, 2023

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

MP Technologies, LLC
120 W. Sweet Ave.
Bismarck, ND 58504

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

Enclosed is a copy of the North Dakota One-Call Complaint against MP Technologies, LLC received by the North Dakota Public Service Commission (Commission) on December 19, 2022, from Eric Sturdivant, Summit Utility Services LLC, West Fargo, North Dakota, Case Number DM-22-425. The location identified in the complaint is 18 8th Avenue North, Fargo, 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 March 14, 2023**, with your written account of the event, including the applicable One-Call locate ticket number(s) for work performed at the location indicated above and in connection with the enclosed complaint.

Your response and the North Dakota 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 with the Commission a formal complaint against MP Technologies, LLC, which may result in a penalty up to \$25,000 per violation in accordance with North Dakota Century Code Section 49-07-01.1.

Please contact me at 701-328-4097 or kcrockford@nd.gov with any questions regarding this correspondence.

Sincerely,

Konrad Crockford
Director, Compliance Division

Enc: North Dakota One-Call Complaint

c: Eric Sturdivant
Summit Utility Services LLC



ONE-CALL COMPLAINT
PUBLIC SERVICE COMMISSION
 SFN 59067 (08/2022)

INSTRUCTIONS: To allege a violation of the One-Call Excavation Notice System (N.D.C.C. Chapter 49-23), complete this form in its entirety.

SECTION I – COMPLAINANT (Individual/entity completing form)

Company/Entity Name (if applicable) Eric Sturdivant			
Contact Person	Email Address eric.sturdivant@summitutility.com	Telephone Number 406-499-8132	
Mailing Address 2048 11th St W	City West Fargo	State ND	Zip Code 588078
Complainant is willing and able to testify on the complaint if matter proceeds to a formal hearing.			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

SECTION II – RESPONDENT (Individual/entity who allegedly violated the One-Call law)

Company/Entity Name (if applicable) MP Technologies/Xcel Energy			
Contact Person Amanda Goelz	Email Address agoelz@mptech.biz	Telephone Number 320-963-2829	
Mailing Address	City	State	Zip Code

SECTION III – ALLEGED VIOLATION

OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).	
<input type="checkbox"/> Operator failed to mark or clear underground facility within locate period.	<input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally.
EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).	
<input type="checkbox"/> Excavation started prior to underground facility locate.	<input type="checkbox"/> Excavator failed to provide locate notice prior to beginning excavation.
<input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner.	<input type="checkbox"/> Excavator failed to renew locate request prior to expiration of the 21-day period.
OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.	
<input checked="" type="checkbox"/> Write Issue/Concern: Abuse Of Emergency Locate Ticket System, Failure to maintain marks from past locates	

SECTION IV – DESCRIPTION/DAMAGE

Date and Time of Event 12/19/2022 11:00AM	Location (Address, Nearest Intersecting Streets, or Lat/Long) 18 8th Ave N	One-Call Ticket Number 22159444
Underground Facility Affected <input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Cable <input checked="" type="checkbox"/> Communications <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Sewer/Storm Water <input checked="" type="checkbox"/> Petroleum <input type="checkbox"/> Other _____		
Material & Size of Underground Facility (Poly, Steel, Coated Pipe / Fiberoptic / 2 KW / 1.5 in, 2 in / etc.) N/A	Operator(s) Affected N/A	
Estimated Value of Damage N/A	Injuries (List Number, If Any) Fatalities _____ Injuries _____ Hospitalizations _____	Number of Customers Affected N/A
Description of the alleged violation/concern. If more space is required, attach additional page(s). Xcel energy via MP Technologies, I argue, has abused the emergency ticket system by calling in a ticket to get fresh marks on the ground due to changing weather. They have called in numerous tickets for the same locate multiple times in the past months, 22152953, 22152954, 22157211, 22157680, 22157879, 22159422 then finally when they are on site and digging they call in the emergency of 22159444 so they can have fresh paint on the ground. From my understanding this is not what the emergency system is for. They have not done their job in making sure the paint that has been put on the ground NUMEROUS times has stayed, or to have the tickets completed in a timely fashion, and also circumventing the routine ticket designation by calling in an "emergency" respot. Whats more is the ticket 22159422 is for the same exact locate, called in an hour before the emergency. Which leads me to believe that they realized they needed marks immediately due to poor planning on their part, then called in the emergency to get around the potential wait of up to 48 hours.		

SECTION V – SIGNATURE OF COMPLAINANT

Signature 	Printed Name Eric Sturdivant	Date 12/19/2022
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