

Crockford, Konrad S.

From: Mike Aydt <Mike.Aydt@mpnexuslevel.us>
Sent: Monday, March 27, 2023 08:49
To: Crockford, Konrad S.
Subject: FW: North Dakota One-Call Complaint
Attachments: Letter Enclosing ND One-Call Complaint 02-23-2023.pdf

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Keith
Below is the explanation I received from our managers. I apologize for the late response. This was in my hands for the last 2 weeks:

This letter is in response to One-Call Complaint: CT Log Number 543303921

MP received a work order for a gas service install at address 18 8th Ave N Unit A originally and called the address in for locates, later we received a work order for Unit B so this address was then called in for locates. These two tickets were 22152953 & 22152954, following these two tickets being called in, we received notice that we needed to do a main extension to get these two properties gas, so another locate was called in for this work. This is ticket 22157879.

We were not able to get to the work of the original locates before the ticket expiration due to other urgent installs assigned to us by Xcel Energy. We were also not able to get to this site in a timely manner due to the city shutting down the ROW for Winter work. Xcel and the City worked out an agreement to allow us to install these services and main extension due to a "no heat" situation at both units. This caused us to call in updates so our locates were valid prior to us digging. Please note that 22157211 notes that it was called in to "extend life" so no new markings were requested to avoid adding extra work to the locator but MP would have a valid ticket when we received the green light from the city.

When our crews arrived on site to do the install, the city would not allow us to install the main extension on the original design. The city would only allow us to install the gas main on the opposite side of the sidewalk. We then called in an emergency since this was a priority install from Xcel due to the "no heat" situation in the middle of December and MP could not install in the area originally located.

I don't feel that MP abused the Emergency Locate Ticket System due to the fact that "*a condition that poses a clear and immediate danger of life or health or significant loss of property*" was present with these two properties having no heat.

I would also like to add that over the past season MP Technologies had only called in one other emergency locate.

Please contact me directly with any questions.



Michael Aydt
Chief Financial Officer
MP Nexlevel
9938 State Hwy 55 NW

4 DM-22-425 Filed 03/27/2023 Pages: 4
Response to North Dakota One-Call Complaint
MP Technologies, LLC
Michael Aydt, CFO

Annandale, MN 55302

p: 320.963.2404 m: 651.442.8794

w: www.mpnexlevel.com e: mike.aydt@mpnexlevel.us



From: Amanda Goelz <Amanda.Goelz@mptechnology.us>

Sent: Friday, March 24, 2023 2:56 PM

To: Mike Aytz <Mike.Aydt@mpnexlevel.us>

Subject: Fwd: North Dakota One-Call Complaint

Can you look into why we weren't notified of this one? If it had gone to any other departments?

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From: Crockford, Konrad S. <kcrockford@nd.gov>

Sent: Friday, March 24, 2023 12:44:57 PM

To: Amanda Goelz <Amanda.Goelz@mptechnology.us>

Subject: North Dakota One-Call Complaint

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Good Afternoon,

This is a follow-up to the voicemail I left today at the following phone number 320-963-2829.

I am following up on a Norther Dakota One Call Compliant filed against MP Technologies, LLC by Summit Utility Services, LLC. On February 23, 2023, the we mailed MP Technologies a copy of the complaint (attached) and requested a response no later then March 14, 2023. To date, we have not received a response.

I wanted to reach out to give MP Technologies one last opportunity to respond. Your response is requested no later then March 31, 2023. Please feel free to call me to discuss.

Thank you,

Konrad Crockford

Director, Compliance Division

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

701.328.4097 • kcrockford@nd.gov • www.psc.nd.gov

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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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