



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)			
Contact Person	Email Address	Telephone Number	
Mailing Address	City	State	Zip Code
Complainant is willing and able to testify on the complaint if matter proceeds to a formal hearing.		<input type="checkbox"/> YES	<input type="checkbox"/> NO

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

Company/Entity Name (if applicable)			
Contact Person	Email Address	Telephone Number	
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 type="checkbox"/> Write Issue/Concern: _____	

SECTION IV – DESCRIPTION/DAMAGE

Date and Time of Event	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long)	One-Call Ticket Number
Underground Facility Affected <input type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Cable <input type="checkbox"/> Communications <input type="checkbox"/> Water <input type="checkbox"/> Sewer/Storm Water <input 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.)		Operator(s) Affected
Estimated Value of Damage	Injuries (List Number, If Any) _____ Fatalities _____ Injuries _____ Hospitalizations	Number of Customers Affected
Description of the alleged violation/concern. If more space is required, attach additional page(s).		

SECTION V – SIGNATURE OF COMPLAINANT

Signature	Printed Name	Date
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Please email the completed form to ndpsc@nd.gov, fax to 701-328-2410, or mail to: Public Service Commission
 600 E. Boulevard Ave. Dept 408
 Bismarck, ND 58505-0480

205 10th Avenue South, Minot Incident

ND One Call ticket # - 22061578

MDU	Marked	06/28/2022 10:15 am
Souris River Telecom	Marked	06/29/2022 10:20 am
Xcel Energy	Clear	06/29/2022 11:25 am

ND One Call ticket # 22080151

MDU	Marked	07/25/2022 08:14 am
Souris River Telecom	Marked	07/26/2022 13:19 pm
Xcel Energy	Cleared	07/25/2022 09:19 am

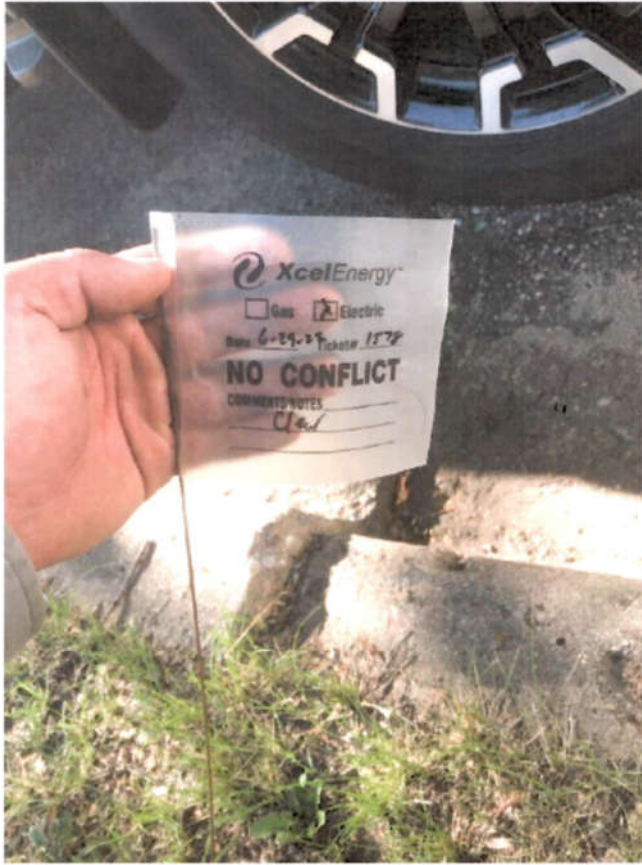
Ticket cleared on July 27, 2022

On July 28, 2022, MDU crews exposed the MDU gas line with hydrovac, bored a line across the street, and began digging next to the exposed MDU line to tie in the new line with the main line and hit an unmarked Xcel Energy electric line.

After repeated attempts to discuss the incident with Xcel Energy, I emailed the northclaims@xcelenergy.com and explained MDU's position, but only received non-productive responses and then the account was turned over to a collection/claims company, JNR Adjustment Company.

MDU's position is that the excavation was within the dig polygon submitted on the locate request and the dig description includes the street ROW to the sidewalk. Xcel Energy failed to mark their high-voltage electrical line.

We have more pictures available if needed.



side of street.

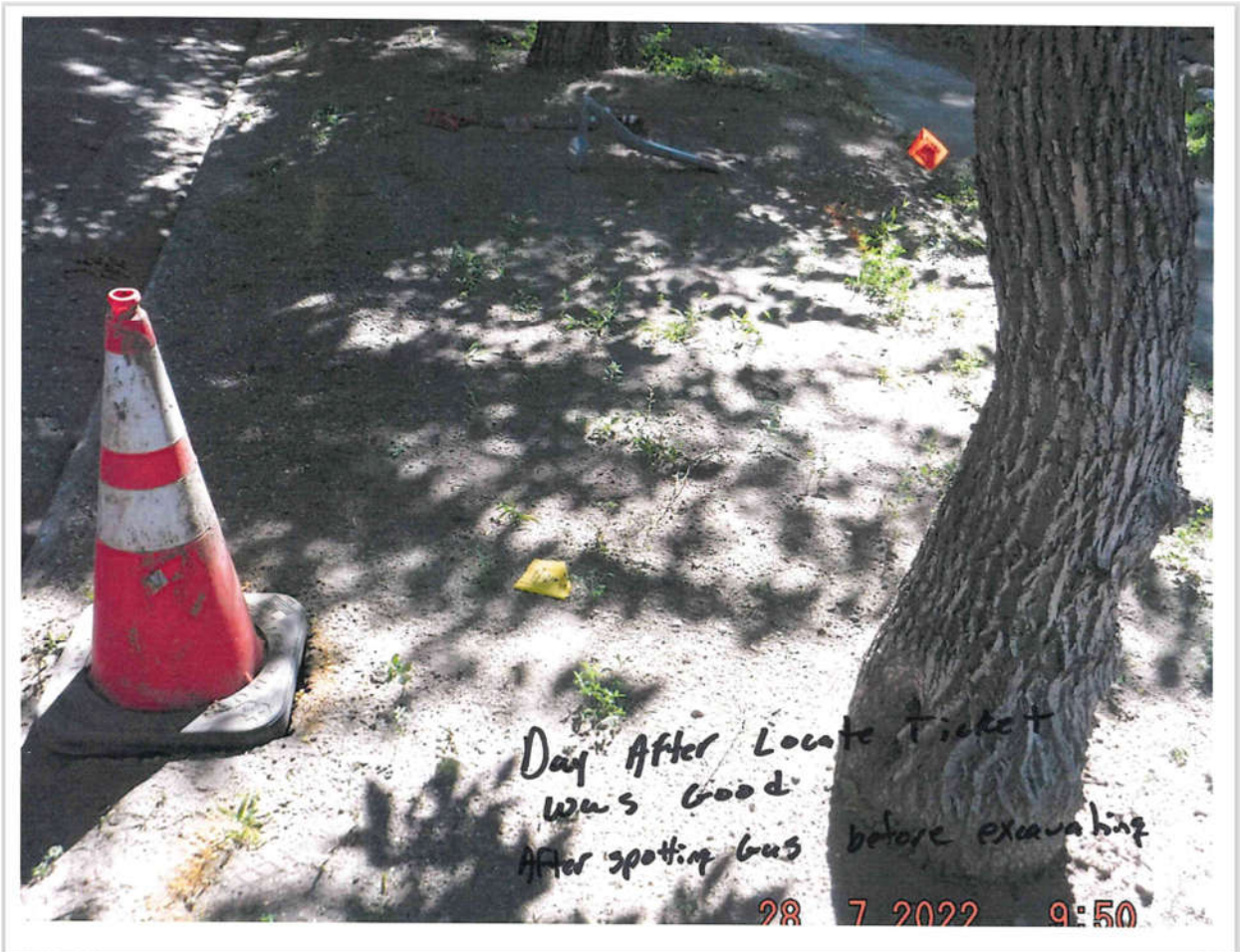
Ticket cleared twice on north



0laneter
2022-07-28 19:11:50
48.2266506,-101.2906170

Pictures from the

repair, showing the distance from the curb



Picture showing hydrovac holes under cones prior to mechanical excavation. MDU yellow flag is visible, SRT orange flag visible to the right. No Xcel Energy flags or marks present.

The following is an email communication with northclaims@xcelenergy.com. No effort to identify who I was speaking with, or no attempt to reach out beyond their 888 number, which went directly to voicemail.

Brent,

Locators do not go off of the polygon when locating a ticket, the locator will locate what the dig description says. Xcel Energy is holding Montana Dakota Utilities liable for this damage for digging out of the scope of the ticket. Payment can be made to the address below.

Thank you,

Xcel Energy Claims Department

E: northclaims@xcelenergy.com

Payment Address: Xcel Energy Claims Center 401 Nicollet Mall Minneapolis MN 55401

[Account Lookup - KUBRA EZ-PAY](#)

From: Pingel, Brent <Brent.Pingel@mdu.com>

Sent: Thursday, March 9, 2023 7:34 AM

To: NorthClaims <NorthClaims@xcelenergy.com>

Subject: RE: 108201420 - Damage Dispute for line strike at 205 10th Ave SE, Minot, ND

You don't often get email from brent.pingel@mdu.com. [Learn why this is important](#)

EXTERNAL - STOP & THINK before opening links and attachments.

The excavation was clearly within the dig polygon provided with the one call ticket. All lines, except Xcel Energy lines were located in the right-of-way south of the street as described on the one call ticket. The Xcel Energy locator was the last utility operator to respond to the one call ticket and should have seen the markings and been aware of the other utilities marked on the right-of-way. The locator did not communicate with our excavation crew or construction supervisor before clearing the one call ticket to determine the scope of work. We appreciate the explanation on how to call in a one call ticket, but this is not as clear cut as you have described, and MDU was not digging outside the scope of the one call ticket. Clearly, if the Xcel Energy locator had located the lines within the dig polygon as submitted, the Xcel Energy line would have been marked and should have been marked. We are confident that if this damage submission requires mediation, MDU will not be found completely at fault. With that, we would be amicable to discussing a reduction in the billing charges.

Thank you

D. Brent Pingel

Public Awareness and Damage Prevention Manager

Montana-Dakota Utilities

701-339-3712

<mailto:brent.pingel@mdu.com>

From: NorthClaims <NorthClaims@xcelenergy.com>

Sent: Thursday, March 9, 2023 8:01 AM

To: Pingel, Brent <Brent.Pingel@mdu.com>

Subject: RE: 108201420 - Damage Dispute for line strike at 205 10th Ave SE, Minot, ND

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Good morning Brent,

Thank you for reaching out to Xcel Energy. The Operations Supervisor from Damage Prevention was on site for this damage and he has confirmed the following findings. The ticket was called in was for the south side of the lot to include the road of 10th Ave SE. MDU damaged the feeder 3ft south of the curb line putting them outside the scope of the ticket. Our Operations Supervisor talked to the contractor onsite and explained the dig area and how to correctly call in a locate when the right of way is involved. Xcel Energy is

holding Montana Dakota Utilities (MDU) liable for this damage for digging outside the scope of ticket number 22080151. If you have further questions please reach back out to us. Payment can be made to the address below.

Thank you,

Xcel Energy Claims Department

E: northclaims@xcelenergy.com

Payment Address: Xcel Energy Claims Center P.O BOX 47604 Plymouth MN 55447

From: Pingel, Brent <Brent.Pingel@mdu.com>

Sent: Wednesday, February 15, 2023 3:14 PM

To: NorthClaims <NorthClaims@xcelenergy.com>

Subject: 108201420 - Damage Dispute for line strike at 205 10th Ave SE, Minot, ND (WAITING ON ERIC)

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We have received an invoice for damages from a hit electrical line on July 28, 2022, MDU Minot, Acct. # 51-0014282796-4. We are disputing the claim that MDU is at fault. We believe the locator for Xcel Energy did not mark the electrical line and responded to the valid one call ticket as "clear".

We request a response to our claim of "not at fault". You can reach me by email or phone at (701) 339-3712

Best,
Brent

D. Brent Pingel

Public Awareness and Damage Prevention Manager

Montana-Dakota Utilities

701-339-3712

<mailto:brent.pingel@mdu.com>