



Public Service Commission
State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

**RESPONSE REQUIRED BY
MAY 1, 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

April 14, 2023

Christine Schwartz
Regulatory Administrator
Xcel Energy
414 Nicollet Mall – 401-7
Minneapolis MN 55401

Alex Nisbet
Xcel Energy
alex.j.nisbet@xcelenergy.com

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

Enclosed is a copy of the ND One-Call Complaint against Xcel Energy received by the North Dakota Public Service Commission (Commission) on April 10, 2023, from Brent Pingel, Montana-Dakota Utilities Co., Watford City, North Dakota, Case Number DM-23-153. The location identified in the complaint is 205 10th Avenue Southeast, Minot, 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 May 1, 2023**, with your written account of the event, including the applicable One-Call locate ticket number for work performed at the location indicated above.

Your response and the ND 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 a formal complaint against Xcel Energy with the Commission, which may result in a penalty up to \$25,000 per violation as approved by the North Dakota Legislative Assembly in 2013 under 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: ND One-Call Complaint

c: Brent Pingel
Montana-Dakota Utilities Co.

2 DM-23-153 Filed 04/14/2023 Pages: 8
Letter enclosing North Dakota One-Call Complaint
Public Service Commission
Konrad Crockford



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) Montana Dakota Utilities			
Contact Person Brent Pingel	Email Address brent.pingel@mdu.com	Telephone Number 701-339-3712	
Mailing Address 107 10th Street SW	City Watford City	State ND	Zip Code 58854
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) Xcel Energy			
Contact Person unknown	Email Address northclaims@xcelenergy.com	Telephone Number 888-848-7558	
Mailing Address PO Box 47604	City Plymouth	State MN	Zip Code 55447

SECTION III – ALLEGED VIOLATION

OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).	
<input checked="" 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: <u>Operator failed to mark facilities within dig area</u>	

SECTION IV – DESCRIPTION/DAMAGE

Date and Time of Event 07-28-2022	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 205 10th Ave. SE, Minot, ND 2nd St SE	One-Call Ticket Number 22080151
Underground Facility Affected <input checked="" 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.) 2 KW	Operator(s) Affected Xcel Energy	
Estimated Value of Damage \$10,000	Injuries (List Number, If Any) 0 Fatalities 0 Injuries 0 Hospitalizations	Number of Customers Affected Hospital
Description of the alleged violation/concern. If more space is required, attach additional page(s). Xcel Energy failed to mark facilities within dig area, cleared the one call ticket. See attached		

SECTION V – SIGNATURE OF COMPLAINANT

Signature Brent Pingel	Printed Name Brent Pingel	Date 4-10-2023
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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

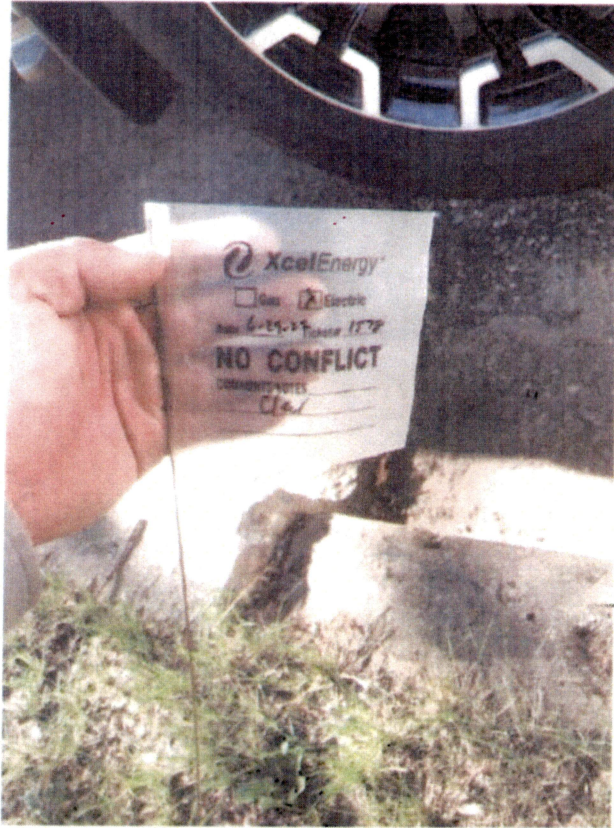
Ticket cleared on July 27, 2022

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.

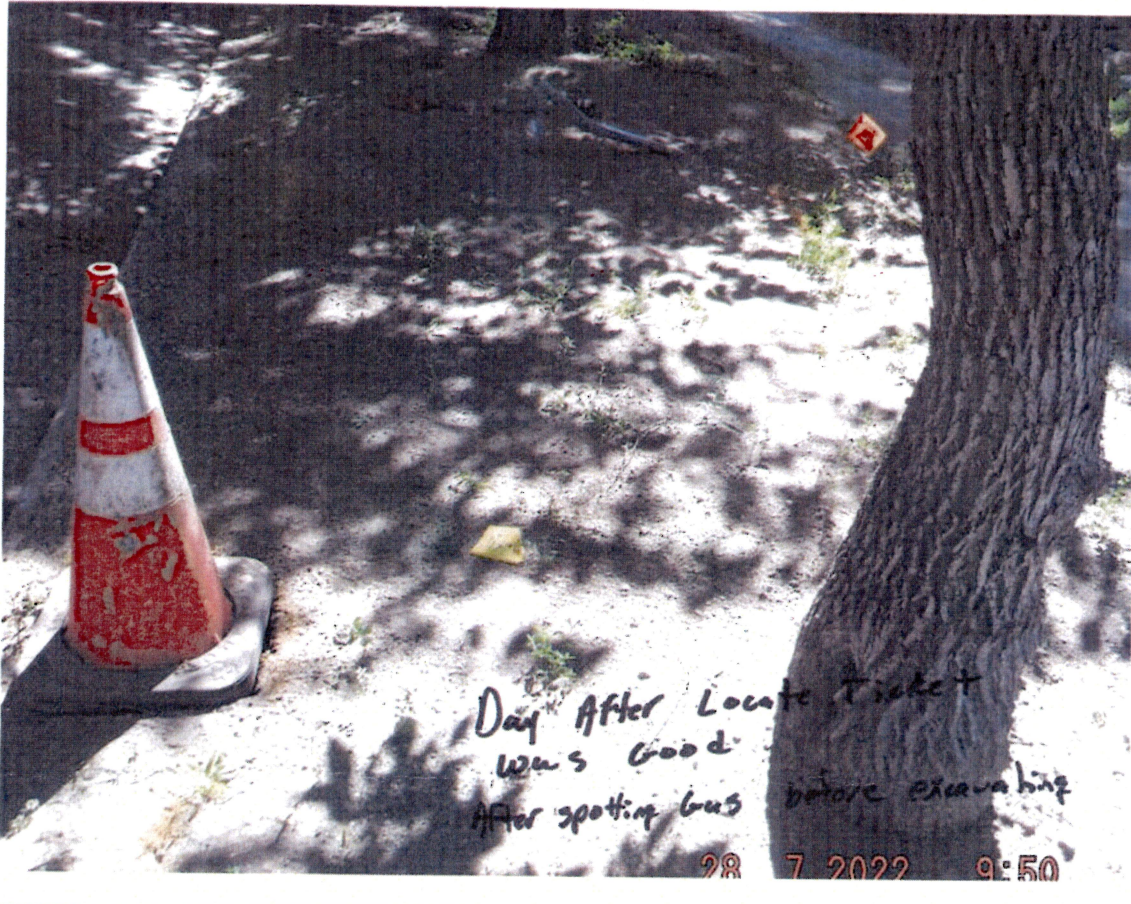
Ticket cleared twice on north



01aneter
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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EXTERNAL - STOP & THINK before opening links and attachments.

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>