

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

M E M O R A N D U M

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

FROM: Konrad Crockford, Director, Compliance Division

DATE: September 5, 2023

RE: Damage Prevention Enforcement
Case No. DM-23-153

On April 10, 2023, a One-Call Complaint was received from Brent Pingel with Montana-Dakota Utilities Co. (MDU) alleging that Northern States Power/Xcel (Xcel) violated N.D.C.C. Chapter 49-23 One-Call Excavation Notice System for an operator failing to mark or clear an underground facility within the locate period.

On July 28, 2022, MDU was conducting an excavation to tie into a gas line when they struck an unmarked Xcel electric line at the intersection of 10th Avenue Southeast and 2nd Street Southeast in Minot, North Dakota.

On April 14, 2023, Staff forwarded the One-Call Complaint to Xcel requesting a response by May 1, 2023.

On May 1, 2023, Xcel provided a response. In their response, Xcel alleges that MDU failed to accurately describe the area of excavation and that the Xcel line that was struck was located outside the excavation area.

On May 9, 2023, Xcel filed a letter advising Staff that Xcel and MDU reached an agreement to resolve Xcel's property damage claim.

On September 5, 2023, Staff spoke with MDU and MDU stated the issue has been settled with Xcel and 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. Additionally, Staff recommends that no further action be taken, and the case be closed.