



**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) John Ware Excavating			
Contact Person John Ware	Email Address johnwareexcavating@gmail.com	Telephone Number 701-339-9489	
Mailing Address 206 2nd Ave SE	City Kenmare	State ND	Zip Code 58746
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) City of Kenmare			
Contact Person	Email Address	Telephone Number 701-385-4232	
Mailing Address PO Box 816	City Kenmare	State ND	Zip Code 58746

**SECTION III – ALLEGED VIOLATION**

**OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).**

Operator failed to mark or clear underground facility within locate period.  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.).**

Excavation started prior to underground facility locate.  Excavator failed to provide locate notice prior to beginning excavation.

Excavator failed to conduct the excavation in a careful and prudent manner.  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.**

Write Issue/Concern: \_\_\_\_\_

**SECTION IV – DESCRIPTION/DAMAGE**

Date and Time of Event 06-17-2023	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 309 10th St NE Kenmare ND 58746	One-Call Ticket Number 23055343
Underground Facility Affected <input type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Cable <input type="checkbox"/> Communications <input checked="" type="checkbox"/> Water <input checked="" 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). No damages. Refusing to stump grind until locate is done to prevent damages. The city was notified on 06-19-2023 that the locate was not completed with no response as to when they would locate the utility. Another request as to when the city would be resuming locating request through the 811 site was emailed to the city on 06-21-2023 with no response.		

**SECTION V – SIGNATURE OF COMPLAINANT**

Signature 	Printed Name John Ware	Date 06/22/2023
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