



Public Service Commission
State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

**RESPONSE REQUIRED BY
AUGUST 18, 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

July 25, 2023

Travis Jacobson
Montana-Dakota Utilities Co.
400 N 4th St
Bismarck ND 58501

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 Montana-Dakota Utilities Co. received by the North Dakota Public Service Commission (Commission) on June 26, 2023, from Burlington Construction, LLC, Burlington, North Dakota, Case Number DM-23-241. The location identified in the complaint is 400 2nd Street East, Carpio, 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 August 18, 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 Montana-Dakota Utilities Co., 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: Denver Haugen
Burlington Construction, 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) Burlington Construction			
Contact Person Denver/Rick Haugen	Email Address denver2546@yahoo.com	Telephone Number 701 833-4425	
Mailing Address 1685 156th St NW	City Burlington	State ND	Zip Code 58722
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) Montana Dakota Utilities			
Contact Person	Email Address	Telephone Number 800-638-3278	
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.).

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 6-15-23 1pm	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 400 2nd St E Carpio, ND	One-Call Ticket Number 23051703
Underground Facility Affected <input checked="" type="checkbox"/> Electric <input checked="" 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) <input type="checkbox"/> Fatalities <input type="checkbox"/> Injuries <input type="checkbox"/> Hospitalizations	Number of Customers Affected
Description of the alleged violation/concern. If more space is required, attach additional page(s). Crew was on site waiting for an hour for a response tried calling the one eight hundred number provided they kepted telling me to call 811 that they don't do any locates. Finally got a hold of a supervisor and he said →		

SECTION V – SIGNATURE OF COMPLAINANT

Signature <i>Denver Haugen</i>	Printed Name Denver Haugen	Date 6-15-23
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that he would makes some calls.
Also called Ryan from 811 and
sent him a text to see what to
do. Sent him my ticket number
and a picture of MOU Status
Not yet Responded. Shane from
Montana Dakota Utilities finally
called Back saying that we should
be good to dig but not willing to
compensate for waiting to dig with
an operator ~~and~~ and labor.