



*A Subsidiary of MDU Resources Group, Inc.*

400 North Fourth Street  
Bismarck, ND 58501  
701-222-7900  
www.montana-dakota.com

August 16, 2023

Executive Secretary  
North Dakota Public Service Commission  
State Capitol Building  
Bismarck, ND 58505-0480

Re: One Call Complaint

Montana-Dakota Utilities Co. (Montana-Dakota) herewith submits its response to the One-Call Complaint issued by the North Dakota Public Service Commission on July 25, 2023, which has been included as Attachment A of this response.

The Complaint alleges that Montana-Dakota was not responsive to Burlington Construction, LLC's One-Call inquiry and would not be willing to compensate for waiting an hour to dig.

Montana-Dakota provides the following timeline and discovery related to the incident.

**Timeline:**

A North Dakota One-Call locate (request #23051703) was transmitted and received on Friday, June 9, 2023. Montana-Dakota Utilities transmitted the ticket from Utilisphere (Montana-Dakota's ticket management system) immediately to the Company's PCAD system. The PCAD system created a locate order on Friday, June 9, 2023, at 2:30 pm Central. A service technician was dispatched (PCAD-MDUG-20230609-21409) to complete the locate request on Tuesday, June 13, 2023, at 8:30 am Central and determined the excavation area was clear for excavation and responded likewise on the locate order and closed the locate order on Tuesday, June 13, 2023, at 2:30 Central Time. On June 15, 2023, an individual with Burlington Construction contacted Shane Homiston, Williston District Manager, to inquire regarding the locate status of the locate request #23051703. Shane informed the Burlington Construction representative that the locate request was "clear, no conflict". Shane contacted the damage prevention group to inquire why the positive response had not posted to the locate request with the North Dakota One-Call Center.

**Discovery:**

On May 24, 2023, Montana-Dakota began the process of integrating the one-call ticket management software across all of the Company's operating areas and was

experiencing sporadic issues transmitting positive response to the North Dakota One-Call Center. On June 16, 2023, Montana-Dakota discovered positive response was disconnected for the MDU06 district/registration code, which encompasses the Carpio, North Dakota area, and a manual positive response was immediately submitted as “clear/ No conflict” on June 16 at 10:15 am Central to the North Dakota One-Call Center.

Based on the Company’s investigation, Montana-Dakota offers the following conclusion:

1. Montana-Dakota failed to provide a positive response to the North Dakota One-Call Notification Center within the prescribed timeframe.
2. However, North Dakota Century Code does not provide relief to excavation contractors who are delayed in commencing excavation by an operator not providing positive response to the notification center within the timeline outlined in the Century Code. The Company believes providing the requested compensation to excavation contractors would establish a negative and unbearable precedent.

Please contact me at (701) 222-7855 or at [travis.jacobson@mdu.com](mailto:travis.jacobson@mdu.com) with any questions regarding this filing.

Sincerely,



Travis R. Jacobson  
Director of Regulatory Affairs

Attachment  
cc: Brent Pingal, Williston District



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](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto: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](mailto: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 denver25416@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.