

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: November 14, 2023

RE: ND One-Call Complaint
Case No. DM-23-273

On July 20, 2023, a ND One-Call Complaint was received from MP Technologies, LLC (MP Tech.) alleging Snow & Lawn Dynamics (Snow & Lawn) violated N.D.C.C. Chapter 49-23 One-Call Excavation Notice System for removing tangible marking materials.

The complaint alleges that on July 19, 2023, Snow & Lawn removed approximately 200 flags for approximately 550 feet.

Staff investigated the complaint and found that the removal of tangible marking materials by a third party is not a violation of N.D.C.C. Chapter 49-23 One-Call Excavation Notice System.

Staff discussed this situation with Snow & Lawn who acknowledged they removed the flags after seeing no excavation in the area for approximately three weeks. Staff advised Snow & Lawn of the dangers of removing marking materials and instructed Snow & Lawn that if they want to know if an area has an active locate ticket to contact North Dakota One-Call.

Based on the investigation, there is not sufficient evidence to support a violation; therefore, Staff does not intend to file a formal complaint. Additionally, Staff recommends that no further action be taken, and the case be closed.