



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Randy Christmann  
Sheri Haugen-Hoffart  
Julie Fedorchak

**RESPONSE REQUIRED BY**  
**August 25, 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

August 2, 2023

Camden Larson  
Border States Paving, Inc.  
PO Box 2586  
Fargo ND 58108-2586

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 Border States Paving, Inc. received by the North Dakota Public Service Commission (Commission) on July 27, 2023, from NuStar Energy, Wichita, Kansas, Case Number DM-23-279. The location identified in the complaint is manways on the south side of 26th Avenue South, between 32nd Street South and 25th Street South, Fargo, 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 25, 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 Border States Paving, Inc., 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: Keely Hosmann  
NuStar Energy



**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) NuStar Energy			
Contact Person Keely Hosmann	Email Address keely.hosmann@nustarenergy.com	Telephone Number 316-721-7073	
Mailing Address 7340 W. 21st St. N., Ste. 200	City Wichita	State KS	Zip Code 67147
Complainant is willing and able to testify on the complaint if matter proceeds to a formal hearing.		<input type="checkbox"/> YES	<input type="checkbox"/> NO

**SECTION II – RESPONDENT (Individual/entity who allegedly violated the One-Call law)**

Company/Entity Name (if applicable) Border States Paving, Inc.			
Contact Person Camden Larson	Email Address fargo@borderstatespaving.com	Telephone Number 701-566-2616	
Mailing Address 4101 32nd St.	City Fargo	State ND	Zip Code 58102

**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 07/21/2023	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) Manways on the South side of 26th Ave. S., between 32nd St. S. and 25th St. S.	One-Call Ticket Number None at time of excavation.
Underground Facility Affected <input type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Cable <input type="checkbox"/> Communications <input type="checkbox"/> Water <input type="checkbox"/> Sewer/Storm Water <input checked="" 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.) Steel	Operator(s) Affected NuStar Energy	
Estimated Value of Damage NA	Injuries (List Number, If Any) Fatalities _____ Injuries _____ Hospitalizations _____	Number of Customers Affected NA
Description of the alleged violation/concern. If more space is required, attach additional page(s). NuStar's one call locator, Weston Brown, discovered Border States Paving, Inc. digging up manways on the South side of 26th Ave. S., between 32nd St. S. and 25th St. S. on July 21, 2023. Upon speaking with the Border States Paving on-site contact and the project supervisor, it was determined that no one call ticket had been placed for this work. Excavation depth was approximately 18" and approximately 17' North of NuStar's 10" steel petroleum pipeline. Weston observed excavation taking place at five separate locations in this area near NuStar's pipeline. Weston explained to Border States Paving contacts that a NuStar representative must be on-site for any work within 25' of NuStar's pipeline. Additionally, Weston explained that a one call ticket must be requested and Border States Paving must allow member utilities 48 hours to respond to the one call ticket before any excavation could take place. NuStar received one call tickets for this work on July 24, 2023. Ticket numbers are as follows: 23081507, 23081508, 23081509, & 23081510.		

**SECTION V – SIGNATURE OF COMPLAINANT**

Signature 	Printed Name Keely Hosmann	Date 7/27/23
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Please email the completed form to [ndpsc@nd.gov](mailto:ndpsc@nd.gov), fax to 701-328-2410, or mail to: Public Service Commission  
 600 E. Boulevard Ave. Dept 408  
 Bismarck, ND 58505-0480