



4101 32nd Street North  
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TELE. (701) 237-4860  
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August 23<sup>rd</sup>, 2023

Executive Secretary  
ND Public Service Commission  
600 East Boulevard Avenue, Dept 408  
Bismarck, ND 58505-0480

In response to your August 2 notice of a North Dakota One-Call complaint against Border States Paving, Inc. received July 27, 2023, from NuStar Energy; Border States Paving does not dispute the factual basis of the claim.

On July 21<sup>st</sup> while performing work at 6 locations each approximately 15 square feet of 7-inch-deep asphalt pavement repair incidental to the replacement of a manhole lids on 26<sup>th</sup> Avenue South between 32nd Street South and 25th Street South, in Fargo, ND a Border States Paving representative erroneously assumed the locate flags in place on a Border States project were called in under a Border States ticket and began excavation without confirming a Border States ticket number.

After being notified of the error by a NuStar representative, although nearly complete, excavation was halted until it could be safely completed under the supervision of a NuStar representative and Border States management.

The alleged violation is that the excavator failed to provide locate notice prior to beginning excavation. Corrective action has been implemented, including additional training for foreman on how to use Border States supplied electronic devices to verify that locates have been called before performing work and that those locates are for Border States Paving operations.

Included with this letter is a written statement from the foreman onsite who was performing the work and a detail drawing showing the work being performed.



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Border States Paving takes the safety of its employees and the public seriously and has requested many one calls tickets since the implementation of the system to perform the locates. We will continue our due diligence to request these locations in a timely manner regarding our performance in the construction industry.

Thank you,

Border States Paving, Inc

We were pulling up asphalt to replace ~~asphalt~~ to manhole. The asphalt was  
seven in deep. We then filled holes  
back with mix. The asphalt we removed  
was a 6 foot sq. There were some  
yellow and orange flags on corners. There  
was one flag out for sprinkler heads on site.  
We thought lochats were called in  
Randy Sobritz

