

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: March 5, 2024

RE: ND One-Call Complaint
Case No. DM-23-327

On October 2, 2023, a North Dakota One-Call Complaint was received from Verendrye Electric Cooperative, Inc. (Verendrye) alleging Tracy Snyder violated N.D.C.C. Chapter 49-23 One-Call Excavation Notice System for removing tangible marking materials.

The complaint alleges that on September 18, 2023, Mr. Snyder removed approximately 200 locate flags for approximately 550 feet. The excavator was attempting to install electrical service for a new structure beginning at an existing Verendrye owned transformer located on Mr. Snyder's property and bore the service to the new structure.

Staff investigated the complaint and determined the flags were removed by the landowner over a dispute with Verendrye regarding the number of holes required to complete the electrical installation tie in. The excavator shut the job down and completed the electrical installation using an alternate route. 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.

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.