



Public Service Commission

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

Sheri Haugen-Hoffart

Randy Christmann

Julie Fedorchak

**RESPONSE REQUIRED BY
MAY 17, 2024**

April 23, 2024

Lisa Kallberg
Northern States Power Company
825 Rice St
St Paul MN 55117
elisabeth.m.kallberg@xcelenergy.com

via email only

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 Northern States Power Company (Xcel) filed by the Public Service Commission's Gas Pipeline Safety Program on April 16, 2024, Case Number DM-24-164. The location identified in the complaint is 8201 Memory Lane, Horace, 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 May 17, 2024**, 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 you, 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 with any questions regarding this correspondence.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Crockford".

Konrad Crockford
Director, Compliance Division

Enc: North Dakota One-Call Complaint

2 DM-24-164 Filed 04/23/2024 Pages: 2
Letter Enclosing North Dakota One-Call Complaint

Public Service Commission



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) North Dakota Public Service Commission - Gas Pipeline Safety Program			
Contact Person Caleb Simburger	Email Address csimburger@nd.gov	Telephone Number 701-934-3830	
Mailing Address Dept. 408 600 E. Boulevard Ave.	City Bismarck	State ND	Zip Code 58505
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) NORTHERN STATES POWER CO OF MINNESOTA (NSP)			
Contact Person Lisa Kallberg	Email Address	Telephone Number 651-788-0648	
Mailing Address 825 Rice Street	City St. Paul	State MN	Zip Code 55117

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 10/24/2022	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 8201 Memory Lane, Horace, ND	One-Call Ticket Number 22141215
Underground Facility Affected <input 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.) Polyethylene (PE) Pipe - 4"		Operator(s) Affected NSP
Estimated Value of Damage \$53,170.40	Injuries (List Number, If Any) Fatalities _____ Injuries _____ Hospitalizations _____	Number of Customers Affected 270 Gas Services
Description of the alleged violation/concern. If more space is required, attach additional page(s). The operator failed to mark their underground facility within 24 inches horizontally. An active one-call ticket was in place when a four-inch gas main was hit by a directional boring crew (Optical Xperts) around 9:41 am on 10/24/2022. The ticket (22141215) indicated that the location requested had been "Marked" on 10/20/2022 at 11:53 am. The operator and the boring crew stated that the gas line had not been marked by the locator (Olameter). The damage of this unmarked facility affected 270 services and created a potentially dangerous work environment for the boring crew.		

SECTION V – SIGNATURE OF COMPLAINANT

Signature 	Printed Name Caleb Simburger	Date 04/16/2024
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Please email the completed form to ndpsc@nd.gov, fax to 701-328-2410, or mail to: Public Service Commission
 600 E. Boulevard Ave. Dept 408
 Bismarck, ND 58505-0480