

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 18, 2024

RE: North Dakota One-Call Complaint
Case No. DM-24-235

On June 13, 2024, a North Dakota One-Call Complaint (Complaint) was received from North Dakota Pipeline Company LLC (Enbridge) alleging Farden Construction, Inc. (Farden) violated N.D.C.C. Chapter 49-23 One-Call Excavation Notice System for failure to contact the notification center and provide an excavation or location notice before beginning an excavation and, in an unrelated incident, for failure to provide the required information in an excavation or location notice.

The Complaint alleges that on March 6, 2024, Farden was observed at the site of an excavation and had not filed an excavation notice. Furthermore, the Complaint alleges that on May 17, 2024, Farden submitted an excavation notice but failed to accurately identify the excavation location.

Staff investigated the Complaint and determined that while on March 6, 2024, Farden was onsite at an ongoing excavation, Farden had not engaged in an excavation and was onsite dropping off a piece of equipment. This is supported by responses from both Enbridge and Farden.

Regarding the May 17, 2024, excavation notice, Staff's investigation determined that Farden submitted an excavation notice that at the time of submission, included the planned area of excavation. However, Farden's customer expanded the excavation area and did not communicate this information to Farden. When Enbridge went to locate, Enbridge noticed the area of proposed excavation staked out by the customer was not included in the excavation notice filed by Farden. Farden cancelled their original excavation notice and placed a new excavation notice.

Based on the investigation, there is not sufficient evidence to support the allegation at this time. Staff used this situation as an educational opportunity to discuss the importance of providing accurate site information when filing excavation notices and that each excavator must provide their own excavation notice. Staff's conversation with Farden was positive and Staff is confident that changes have been made to ensure areas of planned excavation are communicated accurately in future excavation notices. Staff recommends that no further action be taken, and the case be closed.