

Bauske, Shelly A.

From: Tony Trimble <trimble@trimblelegals.com>
Sent: Thursday, August 22, 2024 9:00 AM
To: Crockford, Konrad S.
Cc: mike schuppert
Subject: Responses of North Central Service, Inc. to Cass Rural Water District Complaints 1 of 2
Attachments: NCS RESPONSE TO CASS COMPLAINT DM 24-262 (5-28-24) for filing 8-22-24.pdf; NCS RESPONSE TO CASS COMPLAINT DM 24-263 (6-5-24) for filing 8-22-24.pdf; Messenger_creation_0da32d77-30be-48e3-81c6-74b76dc88ae9.mp4; Messenger_creation_a16b7636-b57c-459c-9413-1537b180c831.mp4

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Mr. Crockford,

Attached please find the responses of North Central Service, Inc. ("NCS") to the following Complaints filed by Cass County Rural Water District with the North Dakota Public Service Commission ("PSC"):

- DM 24-262 (Incident occurring May 28, 2024)
- DM 24-263 (Incident occurring June 5, 2024)

Due to email size restrictions, NCS's responses to the other two (2) Complaints filed by CRWD will be forwarded under separate email to immediately follow.

We have also attached two video recordings which demonstrate the lack of diligence engaged in by CRWD personnel. These were recorded by NCS's employee Keaton Yates on August 1, 2024, at 12:59 PM, and are of CRWD's locator (Tom). They relate to 136th Avenue SE, Buffalo, ND and NCS Locate Ticket #24094998. You can see clearly in the second video that the CRWD locator is not utilizing any locating device, but simply dropping flags seemingly at random in the area.

As discussed with you by telephone, our client looks forward to working with PSC in effort to resolve these issues amicably, to enable NCS to continue its services and timely complete the project which is yet in process.

NCS's contact in this matter is Mike Schuppert, who we have also copied on this email.

Please advise as to any questions or comments. Thank you.

Tony P. Trimble / Matthew W. Haapoja

=====
Trimble & Associates, Ltd.
10505 Wayzata Blvd., Suite 101
Minneapolis, MN 55305
Tel: (952) 797-7477

Fax: (952) 797-5858

Circular 230 Notice: In accordance with Treasury Regulations which became applicable to all tax practitioners as of June 20, 2005, please note that the advice given herein (including any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of avoiding tax penalties.

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Bauske, Shelly A.

From: Crockford, Konrad S.
Sent: Monday, August 26, 2024 3:40 PM
To: Bauske, Shelly A.
Subject: FW: Responses of North Central Service, Inc. to Cass Rural Water District Complaints 1 of 2

Based upon the response from the attorney for NCS, we are not going to docket the videos in any of the case files since the videos do not relate to a specific case.

Konrad Crockford
Director, Compliance Division

*Weights & Measures • Railroad Safety • Pipeline Safety
Damage Prevention & Enforcement • Risk Management*

701.328.4097 • kcrockford@nd.gov • www.psc.nd.gov



From: Tony Trimble <trimble@trimblelegals.com>
Sent: Monday, August 26, 2024 13:45
To: Crockford, Konrad S. <kcrockford@nd.gov>
Cc: mike schuppert <schuppertmike@gmail.com>
Subject: RE: Responses of North Central Service, Inc. to Cass Rural Water District Complaints 1 of 2

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Konrad,

The videos do not relate to any of the particular incidents in question, but were provided to be illustrative of Cass County Rural Water District's lack of diligence even following the incidents at issue.

The videos were recorded by NCS's employee Keaton Yates on August 1, 2024, at 12:59 PM, and are of CRWD's locater (Tom). They relate to 136th Avenue SE, Buffalo, ND and NCS Locate Ticket #24094998. Our client contends that the behavior demonstrated in the videos is indicative of CRWD's performance at the time that the damage incidents at issue occurred.

Thanks,

Matt

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From: Crockford, Konrad S. <kcrockford@nd.gov>
Sent: Monday, August 26, 2024 1:10 PM
To: Tony Trimble <trimble@trimblelegals.com>
Cc: mike schuppert <schuppertmike@gmail.com>
Subject: RE: Responses of North Central Service, Inc. to Cass Rural Water District Complaints 1 of 2

Good Afternoon Tony,

We are working on filing these responses and were needing to know which case are the two attached videos associated with?

Thank you,

Konrad Crockford
Director, Compliance Division

*Weights & Measures • Railroad Safety • Pipeline Safety
Damage Prevention & Enforcement • Risk Management*

701.328.4097 • kcrockford@nd.gov • www.psc.nd.gov

NORTH
Dakota | Public Service Commission
Be Legendary.™

From: Tony Trimble <trimble@trimblelegals.com>
Sent: Thursday, August 22, 2024 09:00
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Cc: mike schuppert <schuppertmike@gmail.com>
Subject: Responses of North Central Service, Inc. to Cass Rural Water District Complaints 1 of 2

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We have also attached two video recordings which demonstrate the lack of diligence engaged in by CRWD personnel. These were recorded by NCS’s employee Keaton Yates on August 1, 2024, at 12:59 PM, and are of CRWD’s locator (Tom). They relate to 136th Avenue SE, Buffalo, ND and NCS Locate Ticket #24094998. You can see clearly in the second video that the CRWD locator is not utilizing any locating device, but simply dropping flags seemingly at random in the area.

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Tony P. Trimble / Matthew W. Haapoja

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NORTH CENTRAL SERVICE, INC.



PO Box 310
Bemidji, MN 56619
Phone (218) 444-3855 Fax (218) 444-6930
Email: ncs@ncsmn.com
Quality Service Since 1978

August 22, 2024

Attn: Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

Subject: Response to Complaint of Cass Rural Water District
Case No.: DM-24-262
Incident Date: May 28, 2024

To Whom It May Concern:

This correspondence and attachments constitutes the response of North Central Service, Inc., a Minnesota corporation ("NCS") to the One-Call Complaint ("Complaint") filed by Cass Rural Water District ("CRWD") with the North Dakota Public Service Commission ("PSC") as the above-referenced case number.

NCS wholly denies the Complaint's allegations that damage to CRWD's water main was caused due to NCS's conduct. Rather, as set forth within the One-Call Complaint filed by NCS with PSC on August 13, 2024, any and all damage was caused solely and exclusively by CRWD's failure to properly locate its own water lines and its violations of North Dakota Century Code Sections 49-23-04(6)(b) and/or (c).

NCS Description of Incident

A copy of NCS's Complaint as to this incident is attached and incorporated by reference.

As set forth therein, on or about May 21, 2024, NCS contacted CRWD to locate underground utilities with respect to a construction project in Cass County, North Dakota at 39th St. SE / 143rd Ave SE, Embden, ND. CRWD responded by marking the area with paint and flags.

In reliance on the location provided by CRWD, and prior to commencing excavation activities, NCS spotted/located all utilities within a five (5)-foot corridor of the running line as to the area in question. NCS proceeded with all due caution and used safe and acceptable means in proceeding with its excavation activities as required by North Dakota law.

However, on May 28, 2024, while NCS was boring across 39th St. SE paralleling the Cass Rural Water District flags and hit an unmarked line that was located **thirty-eight (38) feet** from the location provided by CRWD.

As soon as NCS was aware that the water line had been hit, NCS promptly informed CRWD of the damage and that the location information provided by CRWD was incorrect. When CRWD personnel arrived, they picked up the locate flags and moved them to where NCS had hit the previously-unmarked line.

At no time prior to NCS commencing its activities did CRWD notify NCS that its water facilities were installed prior to August 1, 2013 or that CRWD was unable to locate its facilities.

False Factual Assertions Within CRWD Complaint

Additionally, NCS must correct the record as to the following false, misleading, or incomplete factual assertions within CRWD's Complaint:

- i. CRWD Claim: "CRWD operator Lucas Ott explained to the contractor that our line is located to the best of our ability and will need to be potholed to determine exact location. The line was installed in 1978 and is protected under ND One Call Law."

NCS Response: NCS denies that Lucas Ott communicated any of the foregoing information to NCS. NCS's bore was determined not to be in conflict, and NCS planned to be out of the ground many feet before the actual CRWD markings. However, as indicated above, the water line that was hit was located approximately **thirty-eight (38) feet** from the existing water locate. At no time did CRWD have any communications with NCS regarding the installation date; under North Dakota law, the burden of establishing the installation date is on the operator, not the excavator.

- ii. CRWD Claim: "NCS confirmed to Lucas and Willie that they did not attempt to look for the water main and bored anyway."

NCS Response: As indicated above, CRWD marked the area with paint and flags. NCS spotted/located all utilities within a **five (5)-foot** corridor of the running line as to the area in question. However, the damage occurred approximately **thirty-eight (38) feet** from CRWD's existing water locate, and CRWD had never communicated to NCS personnel that it could not locate its utilities. Hence, NCS had no duty to locate the utilities in the area in which the damage occurred.

Additionally, after NCS promptly notified CRWD of the damage, CRWD personnel picked up the locate flags and moved them to where NCS had hit the previously-unmarked line (*after* the damage had already occurred), which was approximately **thirty-eight (38) feet** from CRWD's original water locate.

iii. CRWD Claim: "Where the line was damaged, NCS was boring at a depth of 7'."

NCS Response: NCS submitted a One Call ticket for a depth of 8'. The damage occurred at a depth of **four (4) feet** and approximately **thirty-eight (38) feet** from CRWD's existing water locate.

NCS therefore respectfully requests the PSC to dismiss the Complaint against NCS and determine that CRWD failed to comply with its obligations under North Dakota Century Code Sections 49-23-04(6)(b) and/or (c).

Sincerely,

North Central Service, Inc.



Name: Michael Schappert

Title: VP of Operations



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 Central Service, Inc. (NCS)			
Contact Person Michael Schuppert	Email Address schuppertmike@gmail.com	Telephone Number 218-368-6351	
Mailing Address 5487 Hart Lane NW	City Bemidji	State MN	Zip Code 56601
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) Cass Rural Water Users District (CRWD)			
Contact Person Brent Brinkman	Email Address brent.brinkman@cassruralwaterdistrict.com	Telephone Number 701-428-3130	
Mailing Address 131 Maple St.	City Kindred	State ND	Zip Code 58051

SECTION III – ALLEGED VIOLATION

OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).			
<input checked="" type="checkbox"/> Operator failed to mark or clear underground facility within locate period.	<input checked="" type="checkbox"/> 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.).			
<input type="checkbox"/> Excavation started prior to underground facility locate.	<input type="checkbox"/> Excavator failed to provide locate notice prior to beginning excavation.		
<input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner.	<input type="checkbox"/> 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.			
<input checked="" type="checkbox"/> Write Issue/Concern: <u>SEE ATTACHMENT A</u>			

SECTION IV – DESCRIPTION/DAMAGE

Date and Time of Event 5/28/2024	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 39th St. SE / 143rd Ave SE, Embden, ND	One-Call Ticket Number 24046290 / 24046296
Underground Facility Affected <input type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Cable <input type="checkbox"/> Communications <input checked="" 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.) 1.25" water line		Operator(s) Affected Cass Rural Water Users District
Estimated Value of Damage \$4,631.36	Injuries (List Number, If Any) 0 Fatalities 0 Injuries 0 Hospitalizations	Number of Customers Affected n/a
Description of the alleged violation/concern. If more space is required, attach additional page(s). NCS was boring across 39th St. SE paralleling the Cass Rural Water District flags and hit an unmarked line that was located thirty-eight (38) feet from the location provided by CRWD. CRWD was called right away and when they arrived they picked up the locate flags and moved them to where NCS had hit the previously-unmarked line. See further description on Attachment A.		

SECTION V – SIGNATURE OF COMPLAINANT

Signature 	Printed Name Michael Schuppert	Date 8/12/24
---------------	-----------------------------------	-----------------

ATTACHMENT A TO COMPLAINT

[MAY 28, 2024 INCIDENT]

On or about May 21, 2024, North Central Service, Inc. ("NCS") contacted Cass Rural Water District ("CRWD") to locate underground utilities with respect to a construction project in Cass County, North Dakota at 39th St. SE / 143rd Ave SE, Embden, ND. (See attached locate request.)

CRWD responded by marking the area with paint and flags.

In reliance on the location provided by CRWD, and prior to commencing excavation activities, NCS spotted/located all utilities within a five (5)-foot corridor of the running line.

NCS proceeded with all due caution and used safe and acceptable means in proceeding with its excavation activities as required by North Dakota law.

However, on May 28, 2024, while NCS was boring across 39th St. SE paralleling the Cass Rural Water District flags and hit an unmarked line that was located thirty-eight (38) feet from the location provided by CRWD.

As soon as NCS was aware that the water line had been hit, NCS promptly informed CRWD of the damage and that the location information provided by CRWD was incorrect.

When CRWD personnel arrived, they picked up the locate flags and moved them to where NCS had hit the previously-unmarked line.

At no time prior to NCS commencing its activities did CRWD notify NCS that its water facilities were installed prior to August 1, 2013 or that CRWD was unable to locate its facilities.

Attached is a copy of NCS's damage report, which includes a drawing indicating that the water facility hit was thirty-eight (38) feet from the location provided by CRWD.

Also attached are photographs of the area in question, together with a Complaint as to this incident filed by CRWD with the North Dakota Public Service Commission ("PSC") asserting a claim against NCS for damages.

NCS wholly and completely denies CRWD's Complaint, because the damages were caused solely by CRWD's failure to properly locate its own water lines as described herein.

NCS therefore respectfully requests the PSC to determine that CRWD failed to comply with its obligations under North Dakota Century Code Sections 49-23-04(6)(b) and/or (c).



NORTH CENTRAL SERVICE INC

PO BOX 310
BEMIDJI, MN 56601
PHONE: 218-444-3855

DAMAGE REPORT

Date: 5-28-24

Locate #: 24046296/24046296 Locate Called in By (Employee Name): Donnie Loyke

Address Where Damage Occurred: Corner of 39th St SE + 143 Ave SE

City and State: Emden ND

Company Name of Damaged Utility: Cass County Rural water

Type of Utility Damaged (phone, electric, water, etc.): 2" water

Check A, B, or C:

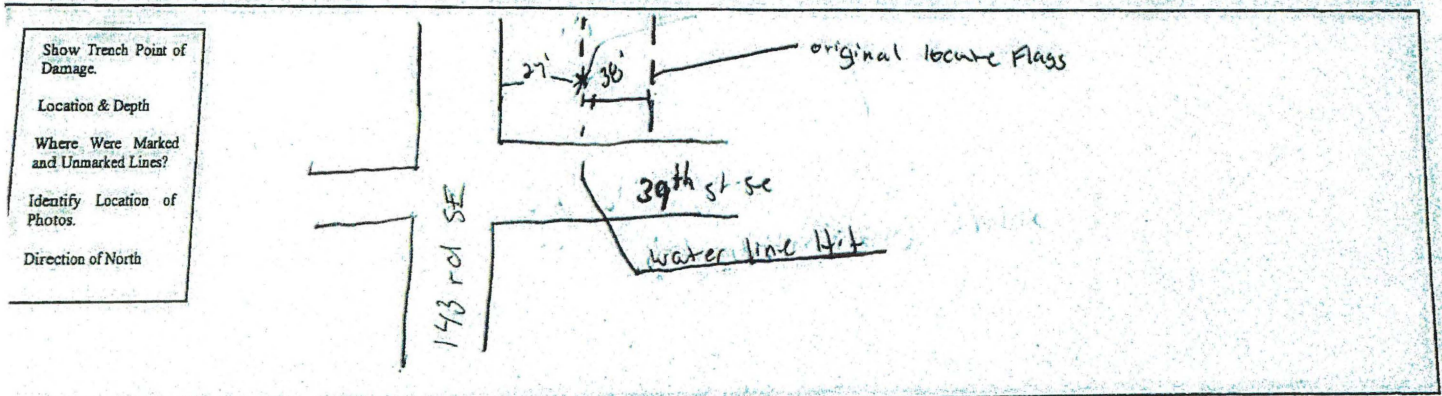
A. Located B. Off Locate By How Much? 38 FT INCHES C. Not Located

Machine Operator: Thomas Norgard

Foreman: Randy Halverson

Comments: water line was hit while boring across 39th St SE
the locate flags were 38' feet off of locate Cass Rural water manual
flags close to the hit as they were digging to find hit line
that they were unsure of location.

Sketch of Job Where Accident Occurred:



Finley Engineering
Ph: 222-1500 • Fax: 222-1502
901 Basin Avenue
Bismarck, ND 58504-1698

Complaint or Property/Utility Damage Report

Complaint

Property Damage

Utility Damage

Date of Complaint or Damage 5/28

Report Date: _____

Report By: Nick Askew

Project: _____

Owner: Cass County Rural water

Exchange: Buffalo

Address: _____

Route: 1C

Sheet: 10

Phone: _____

Utility Damaged

Telephone Water Gas Electric CATV Other

Utility Owner: Cass County

Size of Line: 1.25"

Time of Damage: 3:00 p.m.

Time of Repair: 6:40 p.m.

Company Causing Damage: NCS

Company Doing Repair: Cass County

Was Utility Located: YES NO

(If No) Reason: _____

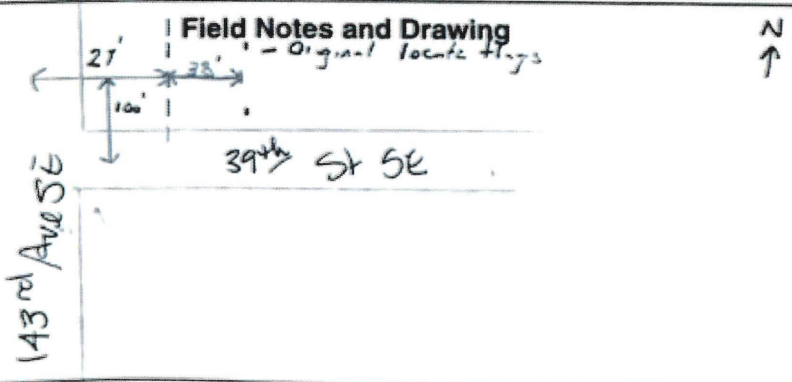
Remarks: locate flags 38' west of water line

Description of Damage 1.25" water line cut while during base under road
locate flags off of water line 38' to the west
original locate flags 65' from CL of Road. 265' in between
flags placed in fill 96' x 100' Area of crop damage

Action to be Taken Cass County repaired line at 6:40 p.m.

Contractor to contact Engineer's Resident when repairs are complete.

Date Contractor Completed Repairs: _____ Repairs By _____



Verified _____

Date _____

Engineer's Resident _____

NCS



Cass moved plugs after line was found

NCS





MS



mike schuppert <schuppertmike@gmail.com>

Fwd: Ticket: 24046290

1 message

Donnie Coyle <d111.coyle1987@gmail.com>
To: "schuppertmike@gmail.com" <schuppertmike@gmail.com>

Thu, Aug 8, 2024 at 9:27 AM

----- Forwarded message -----
From: <nd@occinc.com>
Date: Tue, May 21, 2024, 8:09 AM
Subject: Ticket: 24046290
To: <d111.coyle1987@gmail.com>

NORTH DAKOTA ONE CALL

It is your responsibility to ensure that both the ticket information and mapping location are correct, and that no work will take place outside the area indicated on the map. You can do that by clicking - [HERE](#).

Should any changes need to be made, you can use the 'Update' function. You can do that by clicking - [HERE](#). If you have any questions, please email ialead@occinc.com.

The map is used to determine which Utility members may have facilities in your dig area. It is important that the precise excavation area and scope of work be fully described in the extent of work field on the ticket. Not all utilities have/will access a copy of the map.

To view utility status, or request a 'Relocate', 'Cancel', 'Dig-Up' or 'Non-Response' request click - [HERE](#).

Ticket Summary

NOTICE OF INTENT TO EXCAVATE

LORQ ROUTINE

Request #: 24046290

Original Call Date: 05/21/24 **Time:** 8:09 AM CT **Type:** WEB

Work to Begin Date: 05/24/24 **Time:** 12:01 AM CT

Expiration Date: 06/14/24 **Time:** 12:01 AM CT

Work Information

Location: County: CASS **City:** HOWES TWP **City Limits:** N

Address / Street: 0 143RD AVE SE

Near Intersection: 37TH ST SE

CallerTwp: 139N **Rng:** 54W **Sect-Qtr:** 14-NW

Map Twp: 139N **Rng:** 54W **Sect-Qtr:** 23-NW,22-NE,15-SE-NE,14-SW-NW,11-SW-NW,10-SE-NE

Excavation Type:

Depth: 8FT **Explosives:** N **Tunneling/Boring:** Y

White lining/site identification: PROJECT STAKING

Type of Work: MAIN LINE FIBER

Extent of Work:



mike schuppert <schuppertmike@gmail.com>

Fwd: Ticket: 24046296

1 message

Donnie Coyle <d111.coyle1987@gmail.com>

Thu, Aug 8, 2024 at 9:26 AM

To: "schuppertmike@gmail.com" <schuppertmike@gmail.com>

----- Forwarded message -----

From: <nd@occinc.com>

Date: Tue, May 21, 2024, 8:12 AM

Subject: Ticket: 24046296

To: <d111.coyle1987@gmail.com>

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Ticket Summary

NOTICE OF INTENT TO EXCAVATE

LORQ ROUTINE

Request #: 24046296

Original Call Date: 05/21/24 **Time:** 8:12 AM CT **Type:** WEB

Work to Begin Date: 05/24/24 **Time:** 12:01 AM CT

Expiration Date: 06/14/24 **Time:** 12:01 AM CT

Work Information

Location: County: CASS **City:** HOWES TWP **City Limits:** N

Address / Street: 0 40TH ST SE

Near Intersection: 142ND AVE SE

CallerTwp: 139N **Rng:** 54W **Sect-Qtr:** 22-NW

Map Twp: 139N **Rng:** 54W **Sect-Qtr:** 28-NE,27-NW,23-NW,22-SW-NW-NE,21-SE-NE,16-SE,15-SW-SE,14-SW

Excavation Type:

Depth: 8FT **Explosives:** N **Tunneling/Boring:** Y

White lining/site identification: PROJECT STAKING

Type of Work: MAIN LINE FIBER

Extent of Work:

MARKING INSTRUCTIONS:

MARK 150 FT EITHER SIDE OF THE FLAGGED ROUTE - MARK 150 FEET ON EITHER SIDE OF FLAGGED ROUTE.
MARK FOLLOWING THE ROUTE W FOR 1.01 MILES, THEN S 1.02 MILES, THEN E 536 FT.

GOOGLE DRIVING DIRECTIONS:

FROM THE INTERSECTION OF 40TH ST SE AND 142ND AVE SE, HEAD NORTH ON 142ND AVE SE FOR 1.000 MI.
TURN RIGHT AT THE 1ST CROSS STREET ONTO 39TH ST SE FOR 1.010 MI HEAD N FOR 36 FT TO THE BEGINNING
OF THE ROUTE.

Remarks:

ADDITIONAL TRSQ: T-139N R-54W S-14SW,T-139N R-54W S-15SE,T-139N R-54W : S-15SW,T-139N R-54W S-
16SE,T-139N R-54W S-21NE,T-139N R-54W S-21SE,T-139N : R-54W S-22NE,T-139N R-54W S-22SW,T-139N R-54W
S-23NW,T-139N R-54W : S-27NW,T-139N R-54W S-28NE

Caller Information

Company:	NORTH CENTRAL SERVICES	Call Back:	
Address:	5487 HART LN; BEMIDJI, MN 56601		
Contact Email:	d111.coyle1987@gmail.com		
Work For:	BEK TELEPHONE		
Contact Name:	DONNIE COYLE	Phone:	612-741-8241
Type:	MEMBER		
Alt. Contact:	BRIAN	Phone:	320-372-0744

Members Notified

Code	Company Name	Phone
ACAM01	BEK COMMUNICATIONS	(701)475-1230
CASELE01	CASS COUNTY ELECTR	(701)356-4471
CASWTR01	CASS RURAL WATER D	(701)428-3139

Location Information

Number of Excavation Locations: 1

Below are the farthest NW and SE coordinates of the Excavation Polygon(s). Please use "Link to Tkt" to access all points.

Poly 1: NW Lat: 46.8474410 **Lon:** -97.4936109 **SE Lat:** 46.8320048 **Lon:** -97.4710408

Excavator Responsibilities

- * If there are any private underground facilities in the excavation area, you must contact them directly. Any underground facilities owned by the property owner will not be located or marked by local utilities.
- * North Dakota dig law states no mechanical excavating can take place within 24" of the outer edge of an underground facility. Any digging within this area must be done manually and in a careful and prudent manner, supporting and protecting any uncovered facility. Please consult the North Dakota Century Code for more information on responsibilities for safe excavation by visiting www.ndonecall.com/nd-dig-law/.



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) Cass Rural Water District			
Contact Person Brent Brinkman	Email Address brent.brinkman@cassruralwaterdistrict.com	Telephone Number 701-428-3139	
Mailing Address 131 maple st	City Kindred	State ND	Zip Code 58051
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) North Central Service INC.			
Contact Person Brian Lundborg	Email Address lundborgbrian@yahoo.com	Telephone Number 320-372-0744	
Mailing Address 5487 Hart Lane NW	City Bemidji	State mn	Zip Code 56601

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 5-28-2024	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) Howes Township section 14 southwest quarter	One-Call Ticket Number 24046290
Underground Facility Affected <input type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Cable <input type="checkbox"/> Communications <input checked="" 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.) pvc 1.5 inch	Operator(s) Affected 5	
Estimated Value of Damage \$4,631.36	Injuries (List Number, If Any) Fatalities _____ Injuries _____ Hospitalizations _____	Number of Customers Affected 8
Description of the alleged violation/concern. If more space is required, attach additional page(s). On 5-28-24 NCS INC bored through our 1.5 water main. CRWD operator Lucas Ott had a locate request and located the water line with a follow up phone call explained to the contractor that our line is located to the best of our ability (based on 1978 asbuilts)and they will have to pothole to determine exact location or stay at 42 inches so they don't hit us. NCS confirmed to lucas and willie that they didn't attempt to look for the water main and kept the depth at 42 inches over the top of the water line flags and then dove down to 7 feet 15 ft away from the flags to go under another phone line and then hit the water main. Due to the hit line we had customers out of water for 6 hrs and 5 operators that had to work until 9:00 PM to get the water back on.		

SECTION V – SIGNATURE OF COMPLAINANT

Signature 	Printed Name Brent Brinkman	Date 6-26-24
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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



Cass Rural Water Users District

BOX 98 • 131 MAPLE STREET
 KINDRED, NORTH DAKOTA 58051
 PHONE: 701-428-3139 • TOLL FREE: 800-922-2798
 FAX: 701-428-3130
 www.cassruralwater.com

Job Name: Line Hit-Howes Twp Section 14

Date: 5/29/2024

<u>ITEM</u>	<u>BILLING UNITS</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>EXTENSION</u>	<u>SUBTOTAL</u>
Mobilization	Lump Sum				\$500.00
<u>EQUIPMENT</u>					
78 Komatsu	Hours	6.0	\$205.00	\$1,230.00	
78 Komatsu/Braker	Hours		\$230.00	\$0.00	
Skid Loader	Hours	2.0	\$115.00	\$230.00	
Skid loader/Harley Rake	Hours		\$165.00	\$0.00	
Trencher	Feet		\$7.00	\$0.00	
hydro vac	Hours		\$105.00	\$0.00	
Equipment Subtotal					\$1,460.00
<u>MATERIAL / OTHER</u>					
Sand/ Gravel	Yard				\$0.00
Pipe and Fittings	Lump Sum			\$421.36	\$421.36
Taps	Lump Sum				\$0.00
Valves / Hydrants	Lump Sum				\$0.00
Boring	Feet		\$12.00		\$0.00
<u>LABOR</u>					
5 guys	Hrs	25.0	\$90.00		\$2,250.00
Subtotal Labor					
GRAND TOTAL					\$4,631.36

We are an Equal Opportunity Provider and Employer



On May 28, 2024, NCS bored through our 1 ½” water main in Howes township in the southwest quarter of section 14. Cass Rural Water operator Lucas Ott explained to the contractor that our line is located to the best of our ability and will need to be potholed to determine exact location. The line was installed in 1978 and is protected under ND One Call Law. NCS confirmed to Lucas and Willie that they did not attempt to look for the water main and bored anyway. Due to the line hit we had customers out of water for a total of 7 hours until the repair was completed. Where the line was damaged NCS was boring at a depth of 7’. A bill was sent to NCS for \$4,631.36 to repair the water main.

On June 5, 2024, NCS bored through 430’ of 1 ½” watermain in Howes township in the northwest quarter of section 17. Once again, they did not attempt to pothole our watermain to find its exact location and were boring at a depth of 7’. Cass Rural Water operator Lucas Ott met with the contractor and explained that NCS will have to find exact location before boring and offered to help. They did not have a backhoe on site and admitted that they did not look for the watermain because they were far enough away from the flags. Cass Rural Water had to run a temporary line above ground to provide water to the customers that were affected. Cass Rural Water customers were without water for 6 hours until the repair was made. On June 6, 2024, Cass Rural Water had to bore in a new section of watermain for 430’ to repair the damaged pipe. Willie Reis talked to Brian Lundborg from NCS on June 6, 2024, and was told if we want our line found we should come out in front of them and locate it for them. Willie explained that it is their responsibility to find the watermain. A bill was sent to NCS on June 7, 2024, for \$13,248.69.

A handwritten signature in blue ink, appearing to be 'Willie Reis', is located at the bottom left of the page.

Bauske, Shelly A.

From: Brent Brinkman <brent.brinkman@cassruralwaterdistrict.com>
Sent: Wednesday, June 26, 2024 1:44 PM
To: -Info-Public Service Commission
Subject: water line hits
Attachments: NCS two water line hits.pdf

You don't often get email from brent.brinkman@cassruralwaterdistrict.com. [Learn why this is important](#)

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *********

One-call Complaint

BEK communications has a contractor North Central Service INC installing fiber line for them and they have struck our water line twice in a short period of time. I have contacted BEK and NCS about the struck lines and the unpaid bill. They have stated that they are not going to pay the bill because the water line flags where more than two feet off. I visited with both companies about the section in the ND one call Handbook 49-23-04 Excavation #6-C.

Thanks

Brent Brinkman
Assistant Manager
Cass Rural Water District
(701) 428-3139



Please consider the environment before printing this email.