

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: October 15, 2024

RE: North Dakota One-Call Complaint
Case No. DM-24-291

On July 8, 2024, a North Dakota One-Call Complaint was received from Riley Kuntz alleging Montana-Dakota Utilities Co. (MDU) violated N.D.C.C. Chapter 49-23 One-Call Excavation Notice System for trespassing and vandalizing property in absence of an easement.

The complaint alleges that on June 17, 2024, MDU trespassed on Mr. Kuntz's property without permission and applied spray paint and flags. Additionally, in June 2021, according to Mr. Kuntz, MDU dug up a garden without permission.

Staff investigated the complaint and based upon information received from MDU, in June of 2024, MDU was performing underground facility locating services for a fiber optic project and in June 2021, MDU was replacing gas lines within the City of Dickinson.

MDU was performing services as required by N.D.C.C. Chapter 49-23 One-Call Excavation Notice System. Additionally, trespassing falls under N.D.C.C. Title 12.1 Criminal Code and is not within the Public Service Commission's jurisdiction.

Staff does not intend to file a formal complaint. Additionally, Staff recommends that no further action be taken, and the case be closed.