

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

M E M O R A N D U M

TO: Commissioners Christmann, Haugen-Hoffart, and Kringstad
Steve Kahl, Executive Secretary

FROM: Konrad Crockford, Director, Compliance Division

DATE: March 13, 2025

RE: North Dakota One-Call Complaints
Case Nos. DM-24-262, DM-24-263, and DM-24-292

On June 26, 2024, and July 10, 2024, a total of three North Dakota One-Call Complaints (Complaints) were received from Cass Rural Water Users District (CRWD) alleging North Central Service, Inc. (NCS) violated N.D.C.C. Chapter 49-23 One-Call Excavation Notice System for failing to conduct the excavation in a careful and prudent manner.

The Complaints allege that on May 28, 2024, June 5, 2024, and July 8, 2024, NCS was boring fiber optic lines when they struck CRWD water lines.

Staff investigated the Complaints and based upon evidence provided by CRWD, all the water lines that were struck were installed prior to August 1, 2013. CRWD located the water lines based upon the as-built prints which only provide an approximate location as measured from the centerline of the road.

N.D.C.C. § 49-23-04(6)(b) provides that an underground facility to convey water installed before August 1, 2013 is exempt from the 24-inch horizontal locating requirement. Furthermore, N.D.C.C. § 49-23-04(6)(c) states “[w]hen an operator cannot establish the exact location of the underground facility to convey water, the operator shall mark the location as accurately as possible and the excavator may proceed with caution.”

Based on the investigation, there is not sufficient evidence to support the allegations. Staff recommends that no further action be taken, and the cases be closed.