



Public Service Commission
State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

**RESPONSE REQUIRED BY
AUGUST 23, 2024**

July 30, 2024

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

Brent Brinkman
Cass Rural Water Users District
131 Maple St
Kindred ND 58051

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 Cass Rural Water Users District received by the North Dakota Public Service Commission (Commission) on July 15, 2024, from North Central Service, Inc., Bemidji, Minnesota, Case Number DM-24-304. The location is identified in the complaint.

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 August 23, 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 Cass Rural Water Users District, which may result in a civil 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,

Konrad Crockford
Director, Compliance Division

Enclosure: North Dakota One-Call Complaint



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 Services Inc.		
Contact Person Mike Schuppert	Email Address schuppertmike@gmail.com	Telephone Number 218-368-6351
Mailing Address 5487 Hart Lane Nw	City Bemidji	State MN
		Zip Code 56621
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		
Contact Person Brent	Email Address cassruralwater.com	Telephone Number 701-428-3130
Mailing Address 131 Maple Street	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.).

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: Operator cannot accurately locate their own existing water plant

SECTION IV – DESCRIPTION/DAMAGE

Date and Time of Event 6/5/24 3 p.m.	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long)	One-Call Ticket Number
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.) 2"	Operator(s) Affected Cass Rural Water	
Estimated Value of Damage 13,248.69	Injuries (List Number, If Any) Fatalities _____ Injuries _____ Hospitalizations _____	Number of Customers Affected 2
Description of the alleged violation/concern. If more space is required, attach additional page(s). Bryan and Donnie from NCS met with Lucas from Cass Rural water and Lucas informed them that the prints stated the line was 15ft. east from the centerline of 140th st. SE. NCS was able to move their running line out to 55ft. from centerline to ensure a safe distance from waterline while paralleling them. In the process of doing so the line was hit and was approximately 40ft. from where Cass Rural water thought it was.		

SECTION V – SIGNATURE OF COMPLAINANT

Signature Michael Schuppert	Printed Name Michael Schuppert	Date 7-8-2024
--------------------------------	-----------------------------------	------------------

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



NORTH CENTRAL SERVICE INC

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

DAMAGE REPORT

Date: 6-5-24

Locate #: 24046273 Locate Called in By (Employee Name): Donnie Layle

Address Where Damage Occurred: Just north of 3848 140th Ave SE

City and State: Burlington ND

Company Name of Damaged Utility: Cass County Rural Water

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

Check A, B, or C:

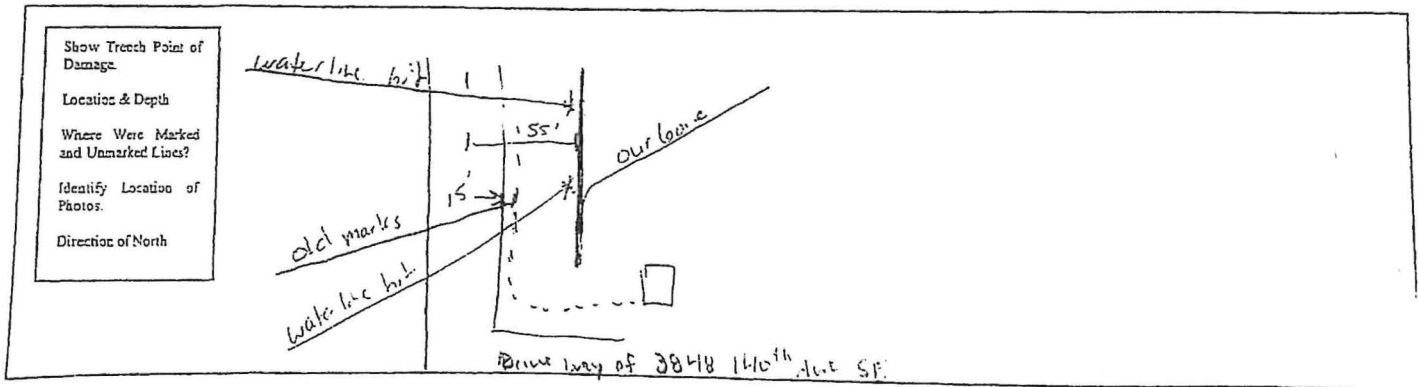
A. Located B. Off Locate By How Much? FT INCHES C. Not Located

Machine Operator: Thomas Norgeson

Foreman: Randy Helgeson

Comments: Bryan and Donnie went with Lucas with Cass Rural water and informed us that the waterline was shown on their prints to be 15 feet East from the center line of 140th st SE so we moved out to 55' from center line to ensure a good distance between us to parallel them going north but the water line was off locate and was hit on locate flag on the line that was hit

Sketch of Job Where Accident Occurred:





NORTH CENTRAL SERVICE INC

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

DAMAGE REPORT

Date: 5-28-21

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

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.): water

Check A, B, or C:

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

Machine Operator: Thomas Morgard

Foreman: Randy Halverson

Comments: water line was hit while being across 39th St SE
the locate flags were 38' foot off of locate Cass Rural water marked
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:

