

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 8, 2024

RE: North Dakota One-Call Complaint
Case No. DM-24-313

On August 19, 2024, a North Dakota One-Call Complaint was received from Alessa Fait, a local homeowner, alleging that MP Technologies, LLC (MP Tech) violated N.D.C.C. Chapter 49-23 One-Call Excavation Notice System by abusing the 811 system and calling in an excessive amount of locates for two project areas and not beginning an excavation.

The complainant alleges that MP Tech called in locates for one project area 16 times and had not started an excavation and another project area 80 times and only began excavation in June 2024. Additionally, the complaint alleges that MP Tech has failed to maintain markings.

Staff investigated the complaint and reviewed the excavation notices placed for the two project areas. The number of excavation notices does not appear to be excessive and appears to fall in line with the renewal of an excavation notice prior to the expiration of the 21-day period. Additionally, no other complaints have been received from any of the seven or eight operators (depending upon the project area) required to locate their facilities because of these excavation notices.

Based on the investigation, there is not sufficient evidence to support a violation; therefore, Staff does not intend to file a formal complaint. Additionally, Staff recommends that no further action be taken, and the case be closed.