



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.
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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.

Write Issue/Concern: SEE ATTACHMENT A

SECTION IV – DESCRIPTION/DAMAGE

Date and Time of Event 6/5/2024	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 3848 140th Ave SE, Buffalo, ND	One-Call Ticket Number 24046273
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" water line		Operator(s) Affected Cass Rural Water Users District
Estimated Value of Damage \$13,248.69	Injuries (List Number, If Any) 0 Fatalities 0 Injuries 0 Hospitalizations	Number of Customers Affected 2
Description of the alleged violation/concern. If more space is required, attach additional page(s). NCS informed CRWD personnel that CRWD prints indicated the waterline was 15 feet east from the centerline of 140th Street SE. NCS moved its running line 55 feet from this centerline to ensure a safe distance from waterline while paralleling the CRWD line, but hit a waterline approximately 40 feet from the CRWD location. See further description on Attachment A.		

SECTION V – SIGNATURE OF COMPLAINANT

Signature 	Printed Name Michael Schuppert	Date 8/12/24
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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

ATTACHMENT A TO COMPLAINT

[JUNE 5, 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 3848 140th Avenue SE, Buffalo, ND. (See attached locate request.)

CRWD responded by meeting with NCS personnel on-site to discuss better options to prevent damages.

Prior to commencing excavation activities, NCS informed CRWD personnel that CRWD prints indicated the waterline was 15 feet east from the centerline of 140th Street SE. NCS moved its running line fifty-five (55) feet from this centerline to ensure a safe distance from the waterline while paralleling the CRWD line, but, on June 5, 2024, inadvertently hit a waterline approximately forty (40) feet from the CRWD location.

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

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.

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 forty (40) 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: 6-5-24

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

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

City and State: Buffalo ND

Company Name of Damaged Utility: Cass County Rural Water

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

Check A, B, or C:

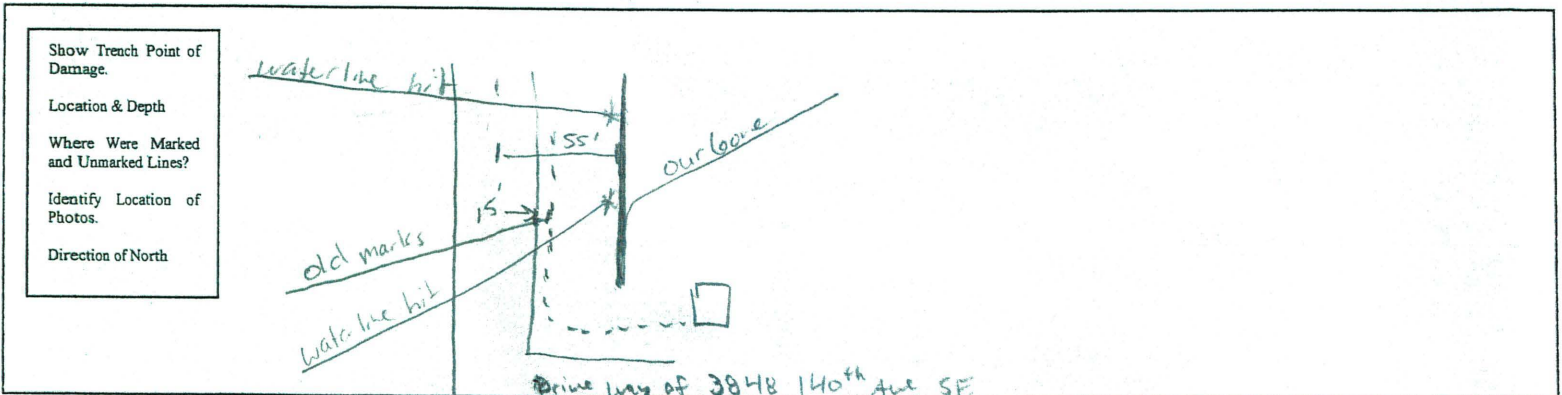
A. Located B. Off Locate By How Much? 40 FT INCHES C. Not Located

Machine Operator: Thomas Mergerson

Foreman: Randy Halverson

Comments: Bryan and Donnie met 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 centerline to ensure a good distance between us to parallel them going north but the water line was off locate and was hit no locate flag on the line that was hit

Sketch of Job Where Accident Occurred:



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

Complaint or Property/Utility Damage Report

Complaint Property Damage Utility Damage

Date of Complaint or Damage 6/5/24 Report Date: 6/6/24 Report By: NCS

Project: 06-DEFH-R303 Owner: _____

Exchange: Wardola Rural C Route Address: _____

Route: 1C Phone: _____

Sheet: 05-2

Utility Damaged

Telephone Water Gas Electric CATV Other

Utility Owner: Cass County Water Size of Line: 2" Pipe

Time of Damage: 2:30pm Time of Repair: 11:11am

Company Causing Damage: NCS Company Doing Repair: Cass County Water

Was Utility Located: YES NO (If No) Reason: _____

Remarks: Utility Located at Time of Work

Description of Damage Water Line hit by Bore Crew

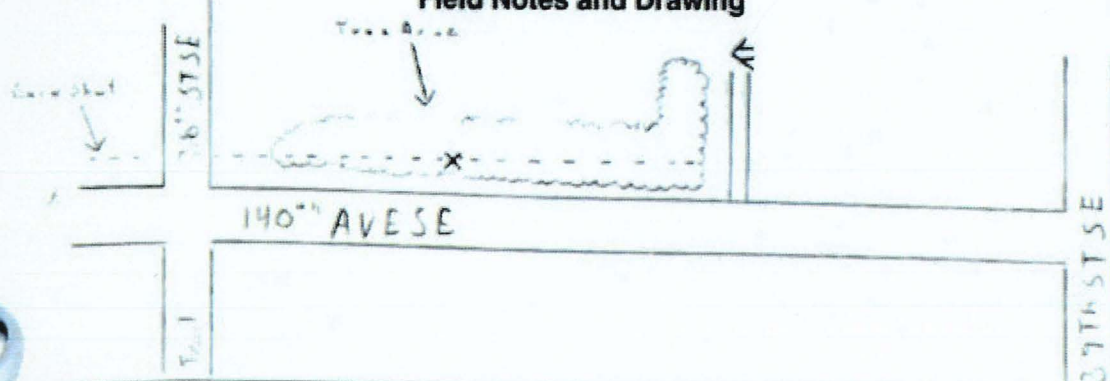
Action to be Taken Repairs being done by Cass County Water
Bore Crew has video of NO FLAGS on Route

AT 8:00am Water Line Flag where Placed on Bore Run

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

Date Contractor Completed Repairs: 6/6/24 Repairs By Cass County Water

Field Notes and Drawing



Repairs Verified

6/6/24
Date

Dusty Carlson
Engineer's Resident



Flags
placed after
repair

NCS



NCS



ncs



NCS

MARKING INSTRUCTIONS:

MARK 150 FT EITHER SIDE OF THE FLAGGED ROUTE - MARK 150 FEET ON EACH SIDE OF THE FLAGGED ROUTE.
MARK FOLLOWING THE ROUTE S FOR 1.43 MILES, THEN E 96 FT.

GOOGLE DRIVING DIRECTIONS:

FROM THE INTERSECTION OF 140TH AVE SE AND 37TH ST SE, HEAD EAST ON 37TH ST SE FOR 26 FT HEAD S FOR 12 FT TO THE BEGINNING OF THE ROUTE.

Remarks:

ADDITIONAL TRSQ: T-139N R-54W S-17SW,T-139N R-54W S-18NE,T-139N R-54W : S-18SE,T-139N R-54W S-7NE,T-139N R-54W S-7SE,T-139N R-54W S-8NW,T-139N R-54W : S-8SW

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
NUPIPE03	NUSTAR ENERGY L.P.	(210)918-2652

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: 46.8752547 **Lon:** -97.5357828 **SE Lat:** 46.8537881 **Lon:** -97.5342476

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/.



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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.).			
<input type="checkbox"/> Operator failed to mark or clear underground facility within locate period.	<input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally.		
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OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.			
<input type="checkbox"/> Write Issue/Concern: _____			

SECTION IV – DESCRIPTION/DAMAGE

Date and Time of Event 6-5-2024	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) Howes Township section 17 northwest quarter	One-Call Ticket Number 24046273
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 4	
Estimated Value of Damage \$13,248.69	Injuries (List Number, If Any) ____ Fatalities ____ Injuries ____ Hospitalizations	Number of Customers Affected 7
Description of the alleged violation/concern. If more space is required, attach additional page(s). On 6-5-24 NCS INC bored through and with our 1.5 water main for 430 ft. CRWD operator Lucas Ott had a locate request and located the water line with a follow up on site meeting explained to the contractor that our line is located to the best of our ability (based on 1978 asbuilts)and offered to help them pothole to determine exact location or stay at 42 inches so they don't hit us. NCS did not have a backhoe on site and didn't plan to pothole the water line and then bored the fiber line in at 7 ft deep. We could not fix the hit line that night so we temp a new line above ground for the night and then bored a new line in on 6-6-24. NCS inc confirmed to lucas that they didn't attempt to look for the water line because the flags were 20 ft away and bored their fiber in at 7 ft deep and hit the water main. Due to the hit line we had coustomers out of water for 6 hrs and 4 operators that had to work until 8:00 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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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



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