



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. |
|---|---|

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 5/28/2024 | Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 39th St. SE / 143rd Ave SE, Embden, ND | One-Call Ticket Number 24046290 / 24046296 |
| 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.) 1.25" water line | Operator(s) Affected Cass Rural Water Users District | |
| Estimated Value of Damage \$4,631.36 | Injuries (List Number, If Any) 0 Fatalities 0 Injuries 0 Hospitalizations | Number of Customers Affected n/a |
| Description of the alleged violation/concern. If more space is required, attach additional page(s). NCS was boring across 39th St. SE paralleling the Cass Rural Water District flags and hit an unmarked line that was located thirty-eight (38) feet from the location provided by CRWD. CRWD was called right away and when they arrived they picked up the locate flags and moved them to where NCS had hit the previously-unmarked line. See further description on Attachment A. | | |

SECTION V – SIGNATURE OF COMPLAINANT

| | | |
|---------------|-----------------------------------|-----------------|
| Signature | Printed Name Michael Schuppert | Date 8/12/24 |
|---------------|-----------------------------------|-----------------|

ATTACHMENT A TO COMPLAINT

[MAY 28, 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 39th St. SE / 143rd Ave SE, Embden, ND. (See attached locate request.)

CRWD responded by marking the area with paint and flags.

In reliance on the location provided by CRWD, and prior to commencing excavation activities, NCS spotted/located all utilities within a five (5)-foot corridor of the running line.

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

However, on May 28, 2024, while NCS was boring across 39th St. SE paralleling the Cass Rural Water District flags and hit an unmarked line that was located thirty-eight (38) feet from the location provided by CRWD.

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.

When CRWD personnel arrived, they picked up the locate flags and moved them to where NCS had hit the previously-unmarked line.

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 thirty-eight (38) 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: 5-28-24

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

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.): 2" water

Check A, B, or C:

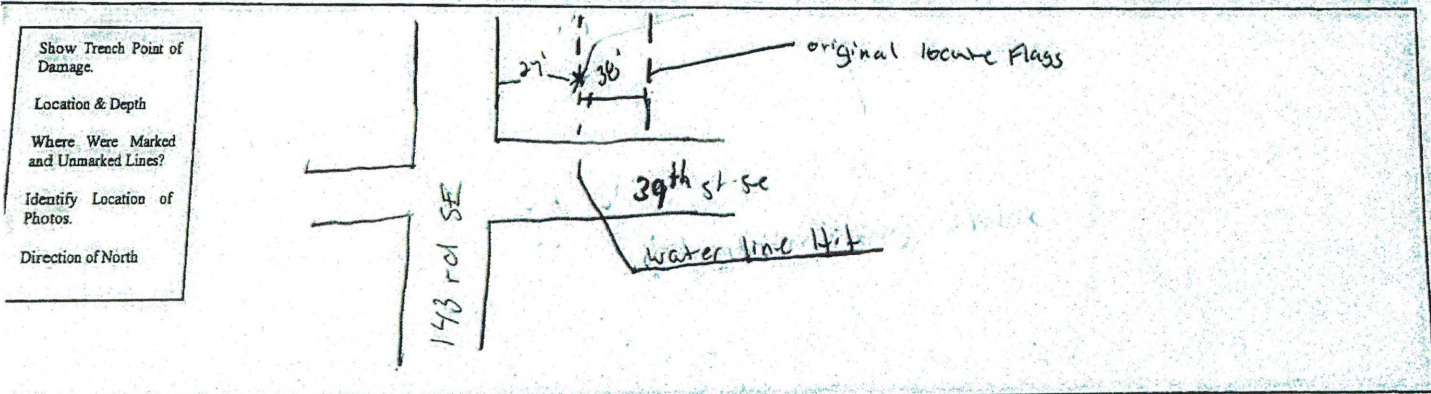
A. Located B. Off Locate By How Much? 38 FT INCHES C. Not Located

Machine Operator: Thomas Norgard

Foreman: Randy Halverson

Comments: water line was hit while boring across 39th St SE
the locate flags were 38' feet off of locate Cass Rural water manual
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:



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

Complaint or Property/Utility Damage Report

Complaint

Property Damage

Utility Damage

Date of Complaint or Damage 5/28

Report Date: _____

Report By: Nick Askew

Project: _____

Owner: Cass County Rural water

Exchange: Buffalo

Address: _____

Route: 1C

Sheet: 10

Phone: _____

Utility Damaged

Telephone

Water

Gas

Electric

CATV

Other

Utility Owner: Cass County

Size of Line: 1.25"

Time of Damage: 3:00 p.m.

Time of Repair: 6:40 p.m.

Company Causing Damage: NCS

Company Doing Repair: Cass County

Was Utility Located: **YES**

NO

(If No) Reason: _____

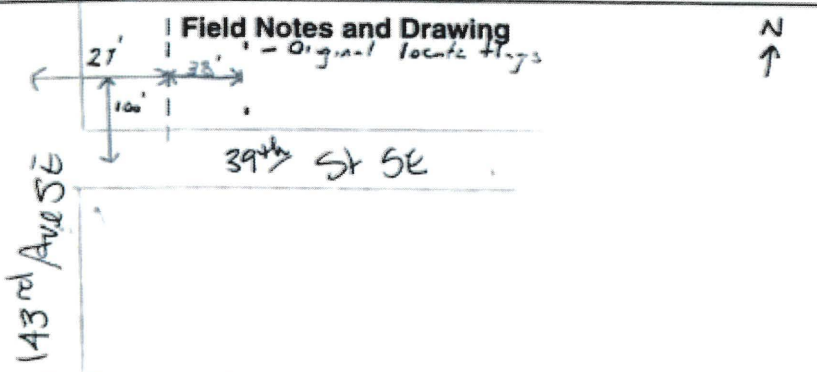
Remarks: locate flags 38' west of center line

Description of Damage 1.25" water line cut while during base under road
locate flags off of center line 38' to the west
original locate flags 65' from CL of Road. 265' in between
flags placed to fill 96' x 100' Area of crop damage

Action to be Taken Cass County repaired line at 6:40 p.m.

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

Date Contractor Completed Repairs: _____ Repairs By _____



Verified _____

Date _____

Engineer's Resident _____

NCS



Cass moved flags after line was found

NCS





MS

MARKING INSTRUCTIONS:

MARK 150 FT EITHER SIDE OF THE FLAGGED ROUTE - MARK 150 FEET ON EITHER SIDE OF FLAGGED ROUTE.
MARK FOLLOWING THE ROUTE W FOR 1.01 MILES, THEN S 1.02 MILES, THEN E 536 FT.

GOOGLE DRIVING DIRECTIONS:

FROM THE INTERSECTION OF 40TH ST SE AND 142ND AVE SE, HEAD NORTH ON 142ND AVE SE FOR 1.000 MI.
TURN RIGHT AT THE 1ST CROSS STREET ONTO 39TH ST SE FOR 1.010 MI HEAD N FOR 36 FT TO THE BEGINNING
OF THE ROUTE.

Remarks:

ADDITIONAL TRSQ: T-139N R-54W S-14SW,T-139N R-54W S-15SE,T-139N R-54W : S-15SW,T-139N R-54W S-
16SE,T-139N R-54W S-21NE,T-139N R-54W S-21SE,T-139N : R-54W S-22NE,T-139N R-54W S-22SW,T-139N R-54W
S-23NW,T-139N R-54W : S-27NW,T-139N R-54W S-28NE

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 |

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: 46.8474410 **Lon:** -97.4936109 **SE Lat:** 46.8320048 **Lon:** -97.4710408

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.).

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: _____

SECTION IV – DESCRIPTION/DAMAGE

| | | |
|---|--|------------------------------------|
| Date and Time of Event 5-28-2024 | Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) Howes Township section 14 southwest quarter | One-Call Ticket Number 24046290 |
| 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 5 | |
| Estimated Value of Damage \$4,631.36 | Injuries (List Number, If Any) Fatalities _____ Injuries _____ Hospitalizations _____ | Number of Customers Affected 8 |
| Description of the alleged violation/concern. If more space is required, attach additional page(s). On 5-28-24 NCS INC bored through our 1.5 water main. CRWD operator Lucas Ott had a locate request and located the water line with a follow up phone call explained to the contractor that our line is located to the best of our ability (based on 1978 asbuilts)and they will have to pothole to determine exact location or stay at 42 inches so they don't hit us. NCS confirmed to lucas and willie that they didn't attempt to look for the water main and kept the depth at 42 inches over the top of the water line flags and then dove down to 7 feet 15 ft away from the flags to go under another phone line and then hit the water main. Due to the hit line we had customers out of water for 6 hrs and 5 operators that had to work until 9:00 PM to get the water back on. | | |

SECTION V – SIGNATURE OF COMPLAINANT

| | | |
|---------------|--------------------------------|-----------------|
| Signature | Printed Name Brent Brinkman | Date 6-26-24 |
|---------------|--------------------------------|-----------------|

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

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 in the lower-left quadrant 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](#)

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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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