

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-24-304, DM-24-314, DM-24-315, DM-24-316, and DM-24-317

On July 15, 2024, a North Dakota One-Call Complaint was received from North Central Service, Inc. (NCS) alleging Cass Rural Water Users District (CRWD) violated N.D.C.C. Chapter 49-23 One-Call Excavation Notice System for failure to mark underground facilities within 24 inches horizontally.

On August 14, 2024, four additional North Dakota One-Call Complaints (Complaints) were received from NCS alleging CRWD violated N.D.C.C. Chapter 49-23 One-Call Excavation Notice System for failure to mark underground facilities within 24 inches horizontally.

Cases Numbers DM-24-304 & DM-24-314 are duplicate complaints.

The Complaints allege that on May 28, 2024, June 5, 2024, July 8, 2024, and July 10, 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. Additionally, CRWD offered NCS assistance in accurately locating the water lines.

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 allegation. Staff recommends that no further action be taken, and the cases be closed.

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