



**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 7/10/2024, 7:00	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 14611 34th St. SE, Buffalo, ND	One-Call Ticket Number 24073034
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.) 4" main	Operator(s) Affected Cass Rural Water Users District	
Estimated Value of Damage \$4,638.64	Injuries (List Number, If Any) 0 Fatalities 0 Injuries 0 Hospitalizations	Number of Customers Affected unknown
Description of the alleged violation/concern. If more space is required, attach additional page(s). NCS was directional drilling a new 2" fiber duct along the proposed route, approximately twelve (12) feet north of existing waterline markings provided by CRWD and approximately five (5) feet south of existing fiber, at a depth of 36" to 40" until NCS cleared all utilities. NCS had to drill at approximately six (6) feet to go under a driveway ditch and at such point hit a 4" main that was located approximately twelve (12) feet from CRWD's water mark. 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](mailto: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

### [JULY 10, 2024 INCIDENT]

On or about June 26, 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 14611 34<sup>th</sup> Street SE, Buffalo, ND. (See attached locate request.)

CRWD responded by placing paint and flags on the ground.

In reliance on the location provided by CRWD, and prior to commencing excavation activities, NCS located/spotted all existing utilities near the proposed construction route.

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 July 10, 2024, while NCS was directional drilling a new 2" fiber duct along the proposed route, approximately twelve (12) feet north of existing waterline markings provided by CRWD and approximately five (5) feet south of existing fiber, at a depth of 36" to 40" until NCS cleared all utilities, NCS had to drill at approximately six (6) feet to go under a driveway ditch. At such point, NCS inadvertently hit a 4" main that was located approximately twelve (12) feet, one (1) inch from the existing waterline locates 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.

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 approximately twelve (12) feet, one (1) inch 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: 7-10-24

Locate #: 24073034 Locate Called in By (Employee Name): Dannie Coyle

Address Where Damage Occurred: 14611 34<sup>th</sup> STR. S.E.

City and State: Buffalo, ND

Company Name of Damaged Utility: Cass Co. Rural Water

Type of Utility Damaged (phone, electric, water, etc.): 4" water main

Check A, B, or C:

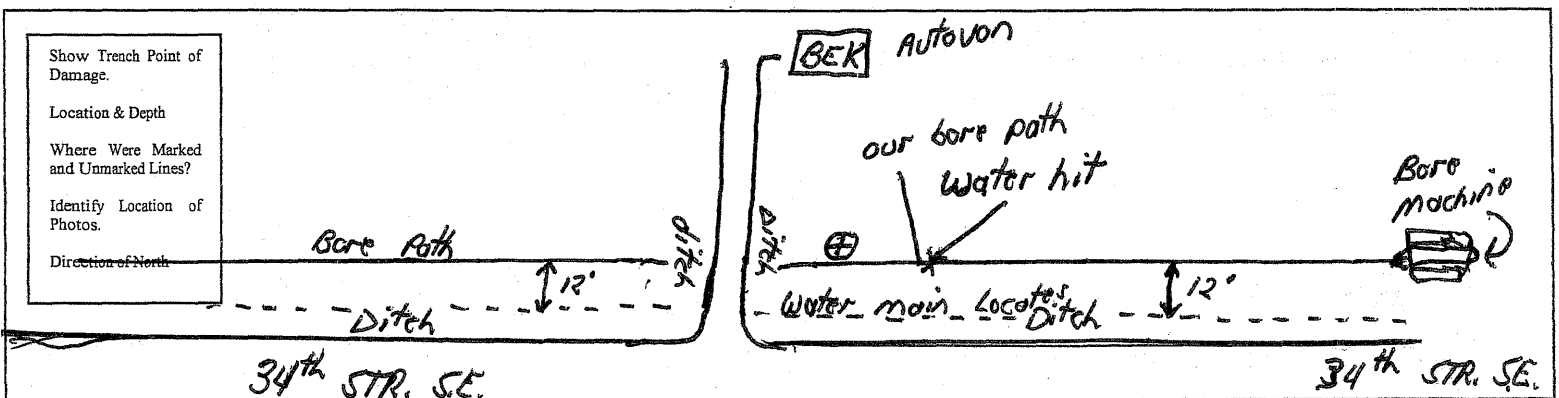
A. Located  B. Off Locate  By How Much? 12 FT / INCHES C. Not Located

Machine Operator: Tom Norgaard

Foreman: Randy Halverson

Comments: We were directional drilling in a 2" fiber duct along a proposed route. It required us to parallel several marked utilities, all utilities were marked before we decided on our route, we bored 12' north of water marks and 5' south of existing fiber and maintained a depth of 36" to 40" deep until we cleared all utilities then had go deeper to about 6' to get under driveway ditch & that's when we hit 4" water main 12' off of locator, once we realized that we hit the water, the water co. was already on site <OVER>

Sketch of Job Where Accident Occurred:







NCS



NCS







NCS



WCS





**Extent of Work:**

MARKING INSTRUCTIONS: MARK 150 FT EITHER SIDE OF THE FLAGGED ROUTE - MARK 150 FEET EITHER SIDE OF WHITE FLAGGED ROUTE. MARK FOLLOWING THE ROUTE E FOR 3.75 MILES.

**GOOGLE DRIVING DIRECTIONS:**

FROM THE INTERSECTION OF 34TH ST SE AND 145TH AVE SE, HEAD NORTH ON 145TH AVE SE FOR 22 FT HEAD E FOR 9 FT TO THE BEGINNING OF THE ROUTE.

**Remarks:**

ADDITIONAL TRSQ: T-140N R-53W S-19SE,T-140N R-53W S-19SW,T-140N R-53W : S-20SE,T-140N R-53W S-20SW,T-140N R-53W S-21SE,T-140N R-53W S-21SW,T-140N : R-53W S-22SE,T-140N R-53W S-27NE,T-140N R-53W S-27NW,T-140N R-53W : S-28NE,T-140N R-53W S-28NW,T-140N R-53W S-29NE,T-140N R-53W S-29NW,T-140N : R-53W S-30NE,T-140N R-53W S-30NW,T-140N R-54W S-24SE,T-140N R-54W S-25NE

**Caller Information**

<b>Company:</b>	NORTH CENTRAL SERVICES	<b>Call Back:</b>	
<b>Address:</b>	5487 HART LN; BEMIDJI, MN 56601		
<b>Contact Email:</b>	d111.coyle1987@gmail.com		
<b>Work For:</b>	BEK TELEPHONE		
<b>Contact Name:</b>	DONNIE COYLE	<b>Phone:</b>	612-741-8241
<b>Type:</b>	MEMBER		
<b>Alt. Contact:</b>	BRIAN	<b>Phone:</b>	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
CTLND01	CTLQL-CENTURYLINK	(800)283-4237
MIDCON39	MIDCONTINENT CABLE	(605)271-0202
OTPNDE01	OTTER TAIL POWER C	(800)257-4044
WILSTN03	WBI ENERGY TRANSMI	(888)859-7291

**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:** 46.9199281 **Lon:** -97.4302465 **SE Lat:** 46.9188731 **Lon:** -97.3497099

**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/](http://www.ndonecall.com/nd-dig-law/).



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**PUBLIC SERVICE COMMISSION**  
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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 Services INC.			
Contact Person Donnie Coyle	Email Address d111.coyle1987@gmail.com	Telephone Number 612-741-8241	
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.).**

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Write Issue/Concern: \_\_\_\_\_

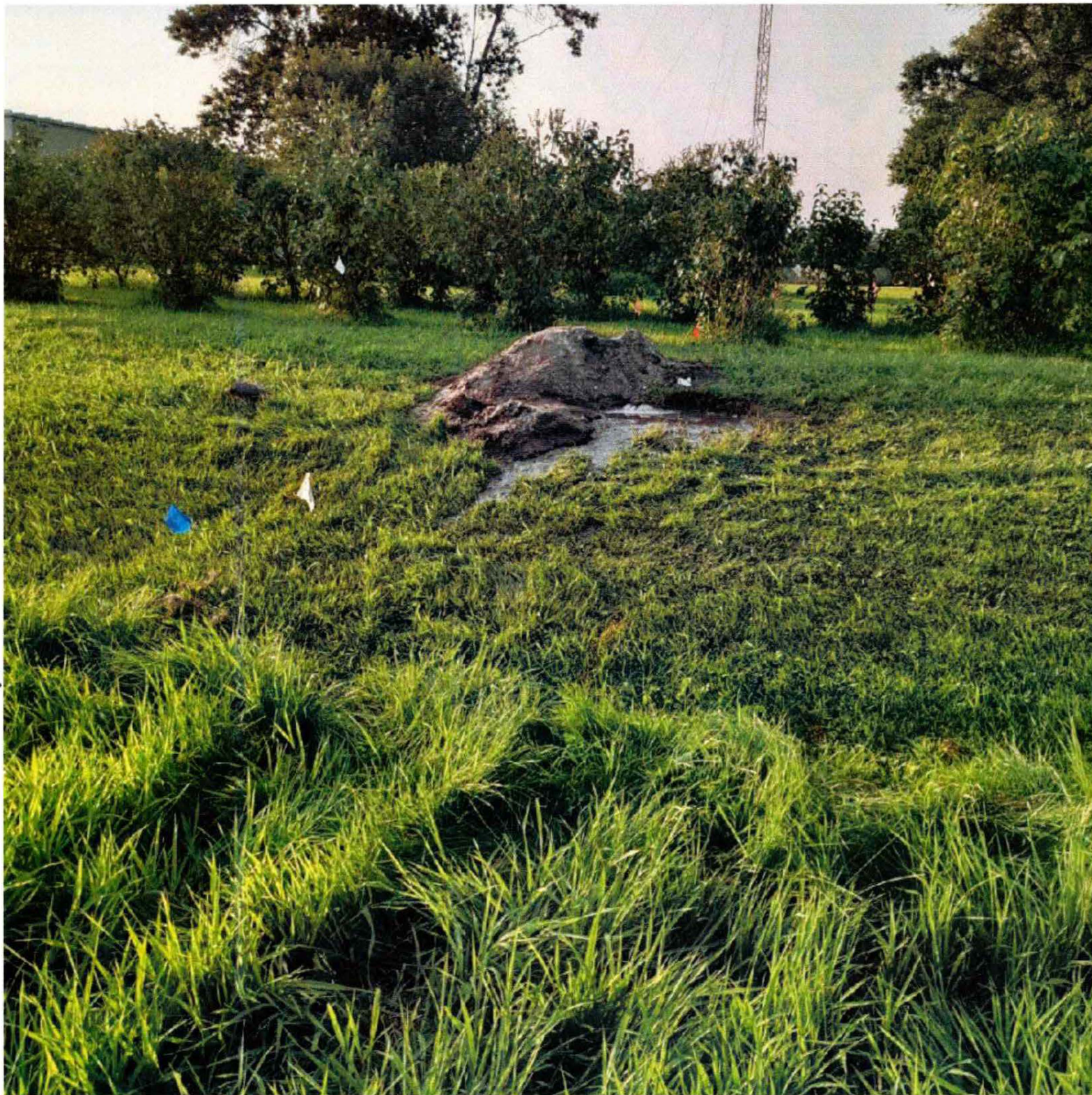
**SECTION IV – DESCRIPTION/DAMAGE**

Date and Time of Event July 10, 2024	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) wheatland twp section20 sw qtr north side of 34th st	One-Call Ticket Number 24073034
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.) 4 inch pvc	Operator(s) Affected 5 CRWD operators	
Estimated Value of Damage \$4,638.64	Injuries (List Number, If Any) Fatalities _____ Injuries _____ Hospitalizations _____	Number of Customers Affected 66 house holds out of water
Description of the alleged violation/concern. If more space is required, attach additional page(s). On 7-10-2024 NCS bored through 30 feet of 4 inch PVC watermain. CRWD operator Tom Wilm was notified by a customer with low Pressure so he went out to investigate on his travels he seen NCS boring machine so he stopped and asked the equipment operator if he hit a water line and he said he did about 45 minutes ago so Tom asked him why he didn't call it in and his response was he doesn't have time to. NCS failed to notify CRWD that they hit the watermain. NCS was paralleling the watermain and hit it at a depth of 7 feet. They were installing fiber for BEK communications. The watermain was located to the best of CRWD ability using as-builts from 1979 watermain was about 10 ft off the mark. NCS failed to locate the watermain to determine the exact location and depth. Due to the damage that occurred CRWD had 66 customers out of water for 7 hrs until the repair was completed at 1:30 AM NCS went home at 8:30 pm after they hit the line. A bill has been sent to NCS for \$4,638.64 for the damages occurred. As you can see in the pictures they potholed every utility out there other then the water line. NCS has told use they are not going to pay the bills.		

**SECTION V – SIGNATURE OF COMPLAINANT**

Signature 	Printed Name Brent Brinkman	Date 7-11-2024
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Showing  
CRW Had  
Wily Marked  
w/ flags  
+ failure of NCS  
TO Pothole

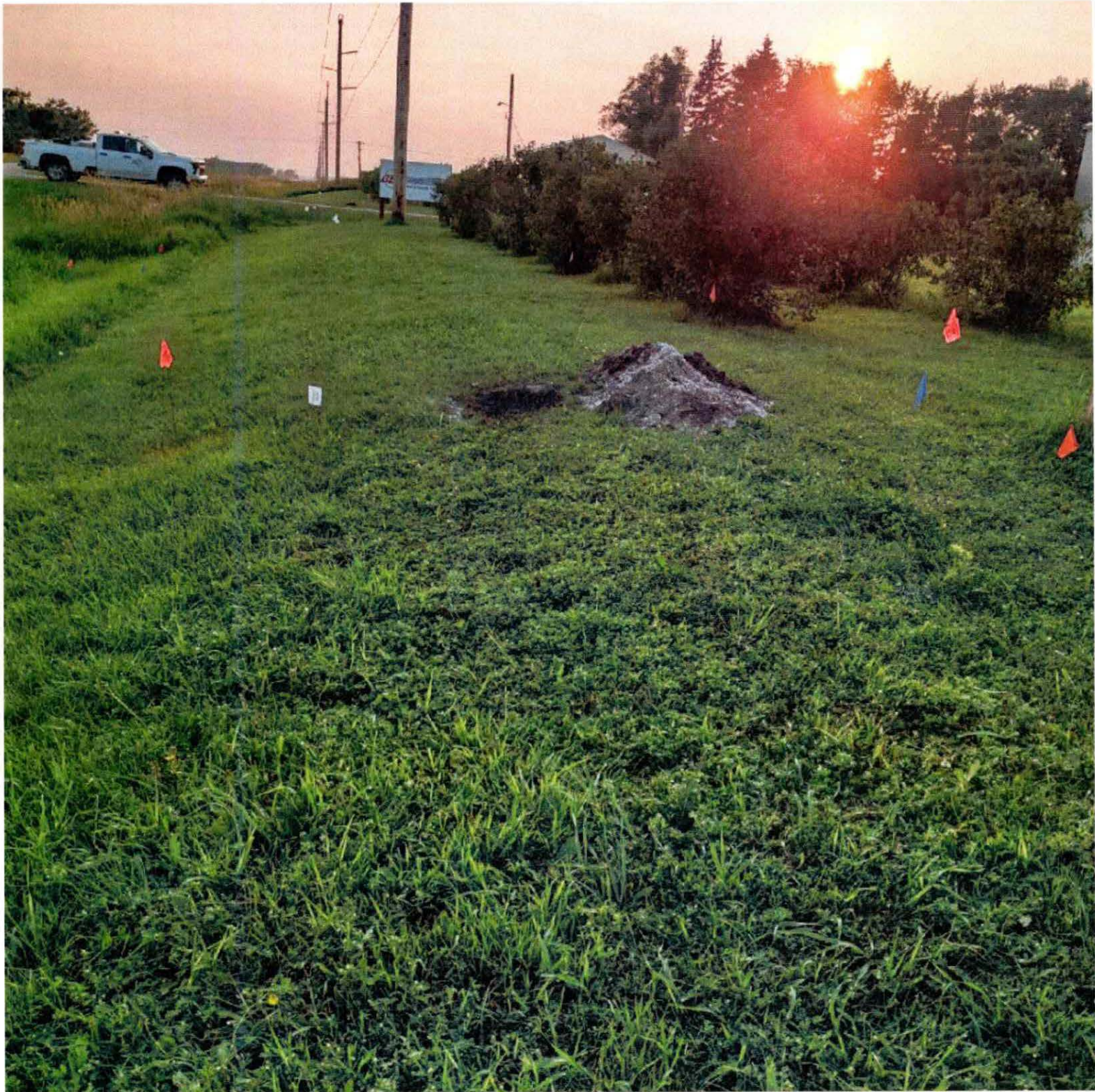


Crew Had Line  
Marked and  
No Evidence  
of potholing  
By NCS





Showing that  
NCS potholed  
communications  
line



Pothole  
From finding  
other utilities

On July 10, 2024 NCS bored through 30' of 4" PVC watermain. The operator Tom Wilm was notified by a customer with low pressure. NCS failed to notify CRWD that they had hit the line. NCS was paralleling the watermain and hit it at a depth of 7'. They were installing fiber for BEK communications. The watermain was located to the best of CRW ability using as-builts from 1979. NCS failed to locate the watermain to determine the exact location and depth. Due to the damage that occurred CRW had 66 customers out of water for 7 hrs until the repair was completed. A bill has been sent to NCS for \$4,638.64 for the damages occurred.

A handwritten signature in black ink, appearing to read 'Tom Wilm', is located in the center-right portion of the page.



# Cass Rural Water Users District

BOX 98 • 131 MAPLE STREET  
 KINDRED, NORTH DAKOTA 58051  
 PHONE: 701-428-3139 • TOLL FREE: 800-922-2798  
 FAX: 701-428-3130  
 www.cassruralwater.com

Job Name: Line Hit Wheatland Twp S 20sw

Date: 7/11/2024

<u>ITEM</u>	<u>BILLING UNITS</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>EXTENSION</u>	<u>SUBTOTAL</u>
<b>Mobilization</b>	<b>Lump Sum</b>				\$500.00
<b><u>EQUIPMENT</u></b>					
78 Komatsu	Hours	7.0	\$205.00	\$1,435.00	
78 Komatsu/Braker	Hours		\$230.00	\$0.00	
Skid Loader	Hours		\$115.00	\$0.00	
Skid loader/Harley Rake	Hours		\$165.00	\$0.00	
Trencher	Feet		\$7.00	\$0.00	
hydro vac	Hours		\$105.00	\$0.00	
<b>Equipment Subtotal</b>					\$1,435.00
<b><u>MATERIAL / OTHER</u></b>					
Sand/ Gravel	Yard				\$0.00
Pipe and Fittings	Lump Sum			\$813.64	\$813.64
Taps	Lump Sum				\$0.00
Valves / Hydrants	Lump Sum				\$0.00
Boring	Feet		\$12.00		\$0.00
<b><u>LABOR</u></b>					
4 guys	Hrs	21.0	\$90.00		\$1,890.00
<b>Subtotal Labor</b>					
<b>GRAND TOTAL</b>					<b>\$4,638.64</b>

We are an Equal Opportunity Provider and Employer



# North Dakota One Call

**Ticket No:** 24073034  
LORQ ROUTINE  
**Original Call Date:** 06/26/24 01:49 pm  
**Op:** webusr12  
**Work to Begin Date:** 06/29/24 12:01 am  
**Op:** webusr12  
**Expiration Date:** 07/20/24 12:01 am

## CALLER INFORMATION

**Company Name:** NORTH CENTRAL SERVICES  
**Contact Name:** DONNIE COYLE  
**Phone:** 612-741-8241  
**Alt Contact:** BRIAN  
**Alt. Phone:** 320-372-0744  
**Caller Address:** 5487 HART LN BEMIDJI, MN 56601  
**Email Address:** d111.coyle1987@gmail.com

## DIG SITE INFORMATION

**Type of Work:** MAIN LINE FIBER  
**Work Being Done For:** BEK TELEPHONE  
**Depth:** 8FT  
**Explosives:** N  
**Tunneling/Boring:** Y  
**White Lining/Site Identification:** WHITE MARKING

## DIG SITE LOCATION

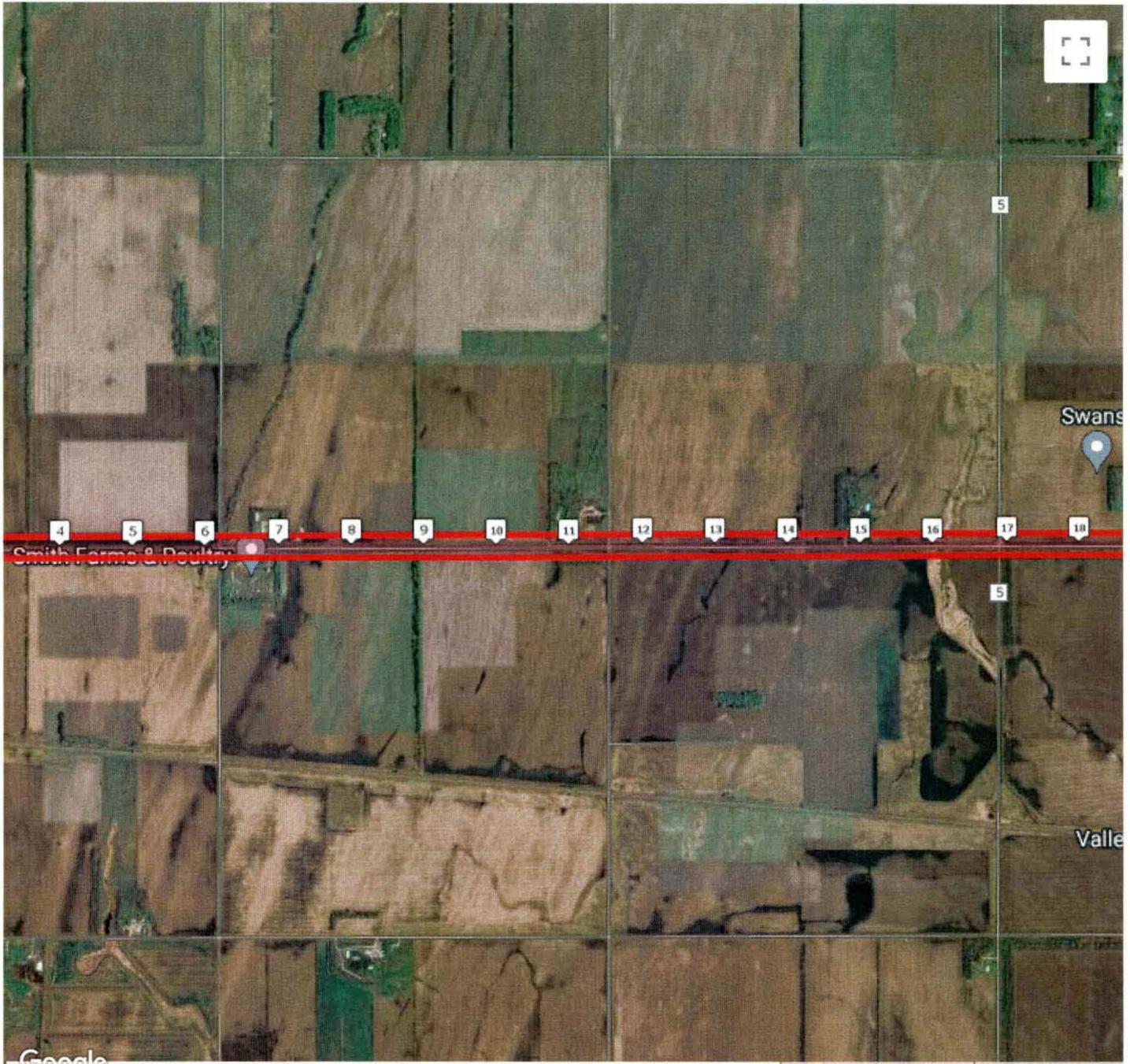
**County:** CASS  
**Place:** WHEATLAND TWP  
**City Limits:** N  
**Address:**  
**Street:** 34TH ST SE  
**Intersecting Street:** 145TH AVE SE  
**Location of Work:**

### GOOGLE DRIVING DIRECTIONS:

FROM THE INTERSECTION OF 34TH ST SE AND 145TH AVE SE, HEAD NORTH ON 145TH AVE SE FOR 22 FT HEAD E FOR 9 FT TO THE BEGINNING OF THE ROUTE.

**Remarks:** ADDITIONAL TRSQ: T-140N R-53W S-19SE,T-140N R-53W S-19SW,T-140N R-53W S-20SE,T-140N R-53W S-20SW,T-140N R-53W S-21SE,T-140N R-53W S-21SW,T-140N R-53W S-22SE,T-140N R-53W S-27NE,T-140N R-53W S-27NW,T-140N R-53W S-28NE,T-140N R-53W S-28NW,T-140N R-53W S-29NE,T-140N R-53W S-29NW,T-140N R-53W S-30NE,T-140N R-53W S-30NW,T-140N R-54W S-24SE,T-140N R-54W S-25NE

**Caller Twp:** 140N  
**Rng:** 53W



## Bauske, Shelly A.

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**From:** Brent Brinkman <brent.brinkman@cassruralwaterdistrict.com>  
**Sent:** Thursday, July 11, 2024 1:21 PM  
**To:** -Info-Public Service Commission  
**Cc:** William Reis  
**Subject:** water line hit  
**Attachments:** july10th hit line.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. **\*\*\*\*\***

Public Service Commission

Cass Rural Water District got hit by NCS on July 10 at 7:00 pm it took us a while to find it because they didn't call it in after they hit the main. This is NCS's 4<sup>th</sup> hit this summer second this week with the same customers out of water both times. CRWD office and Board members have taken a lot of angry calls from people out of water and rusty water from the strikes.

Thanks

Brent Brinkman  
Assistant Manager