



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Randy Christmann  
Sheri Haugen-Hoffart  
Julie Fedorchak

**RESPONSE REQUIRED BY  
SEPTEMBER 20, 2024**

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

August 27, 2024

Brent Brinkman  
Cass Rural Water Users District  
PO Box 98  
Kindred ND 58051

Re: North Dakota Century Code Chapter 49-23: One-Call Excavation Notice System

Enclosed is a copy of the North Dakota One-Call Complaints against Cass Rural Water Users District received by the North Dakota Public Service Commission (Commission) on August 14, 2024, from North Central Service, Inc., Bemidji, Minnesota, Case Numbers DM-24-314, DM-24-315, DM-24-316, DM-24-317. The locations are identified in the complaints.

I am sending you this information so that you are aware of the complaint and may respond with information concerning the complaint. **Please respond to Executive Secretary, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by September 20, 2024**, with your written account of the event, including the applicable One-Call locate ticket number(s) for work performed at the locations identified in the complaints and in connection with the enclosed complaints.

Your response and the North Dakota One-Call Complaint will be reviewed to determine whether there may be a violation of the One-Call Excavation Notice System law.

If I do not receive a response by the date noted, I will determine whether there was a violation without your side of the story, based on the facts contained in this complaint. If I conclude a violation did occur, I will file with the Commission a formal complaint against Cass Rural Water Users District, which may result in a civil penalty up to \$25,000 per violation in accordance with North Dakota Century Code Section 49-07-01.1.

Please contact me at 701-328-4097 or [kcrockford@nd.gov](mailto:kcrockford@nd.gov) with any questions regarding this correspondence.

Sincerely,

Konrad Crockford  
Director, Compliance Division

### Enclosure: North Dakota One-Call Complaints

2 DM-24-314 Filed 08/27/2024 Pages: 73  
Letter Enclosing North Dakota One-Call Complaint  
Public Service Commission

2 DM-24-315 Filed 08/27/2024 Pages: 73  
Letter Enclosing North Dakota One-Call Complaint  
Public Service Commission

2 DM-24-316 Filed 08/27/2024 Pages: 73  
Letter Enclosing North Dakota One-Call Complaint  
Public Service Commission

2 DM-24-317 Filed 08/27/2024 Pages: 73  
Letter Enclosing North Dakota One-Call Complaint  
Public Service Commission



**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**

<b>OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).</b>			
<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.		
<b>EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).</b>			
<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.		
<b>OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.</b>			
<input checked="" type="checkbox"/> Write Issue/Concern: <u>SEE ATTACHMENT A</u>			

**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 <i>Michael Schuppert</i>	Printed Name Michael Schuppert	Date 8/12/24
---------------------------------------	-----------------------------------	-----------------

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

## 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 140<sup>th</sup> 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 3846 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.): water line

Check A, B, or C:

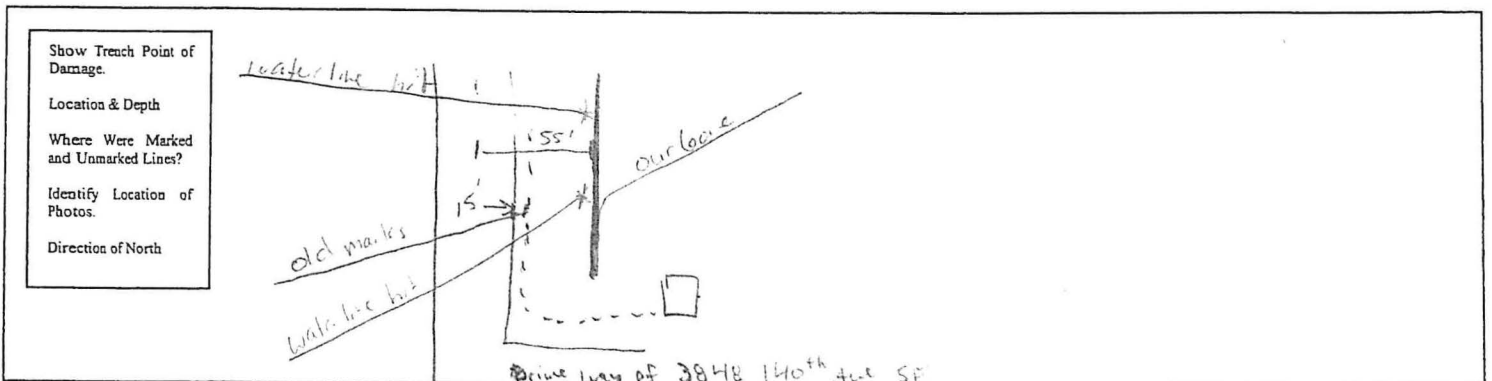
A. Located  B. Off Locate  By How Much? 40 FT  INCHES C. Not Located

Machine Operator: Thomas Bergeron

Foreman: Randy Halverson

Comments: Bryan and Donnie met with Lucas with Cass Rural water and informed us that the water line 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 center line to ensure a good distance between us to parallel them going north but the water line was old 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: OG EFH-8303 Owner: \_\_\_\_\_  
Exchange: 140th Ave SE 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: 3:31pm Time of Repair: 11:11am

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

Was Utility Located: YES  NO  (If No) Reason: \_\_\_\_\_

Remarks: No utility located at time of work

Description of Damage: Water Line hit by Bore Crew

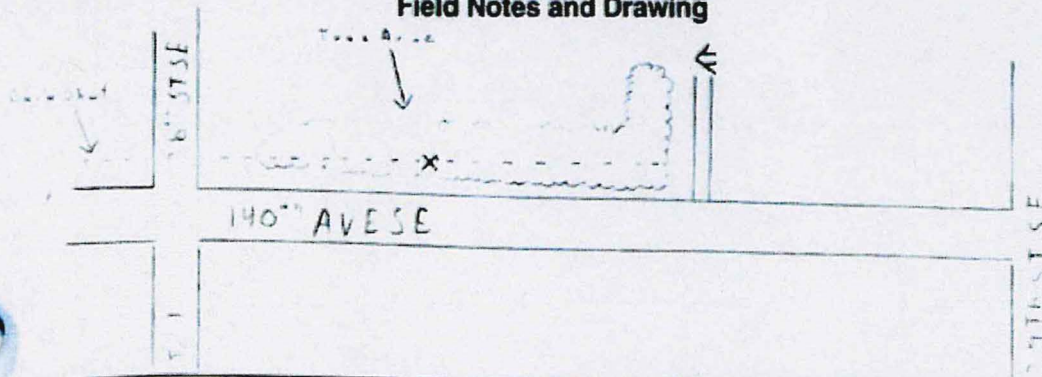
Action to be Taken: Repairs being done by Cass County Water  
Local Crew has video at NO FLAGS on Route

AT 8:00 AM 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

Date

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**

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



**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) 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**

<b>OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).</b>			
<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.		
<b>EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).</b>			
<input type="checkbox"/> Excavation started prior to underground facility locate.	<input type="checkbox"/> Excavator failed to provide locate notice prior to beginning excavation.		
<input checked="" 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.		
<b>OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.</b>			
<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 customers 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 though 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 black ink, appearing to be 'Willie Reis', 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 then 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***

 Please consider the environment before printing this email.



**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.

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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**

<b>OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).</b>			
<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.		
<b>EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).</b>			
<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.		
<b>OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.</b>			
<input checked="" type="checkbox"/> Write Issue/Concern: <u>SEE ATTACHMENT A</u>			

**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
---------------	-----------------------------------	-----------------

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

[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: 5-28-21

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

Address Where Damage Occurred: Corner of 39<sup>th</sup> 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:

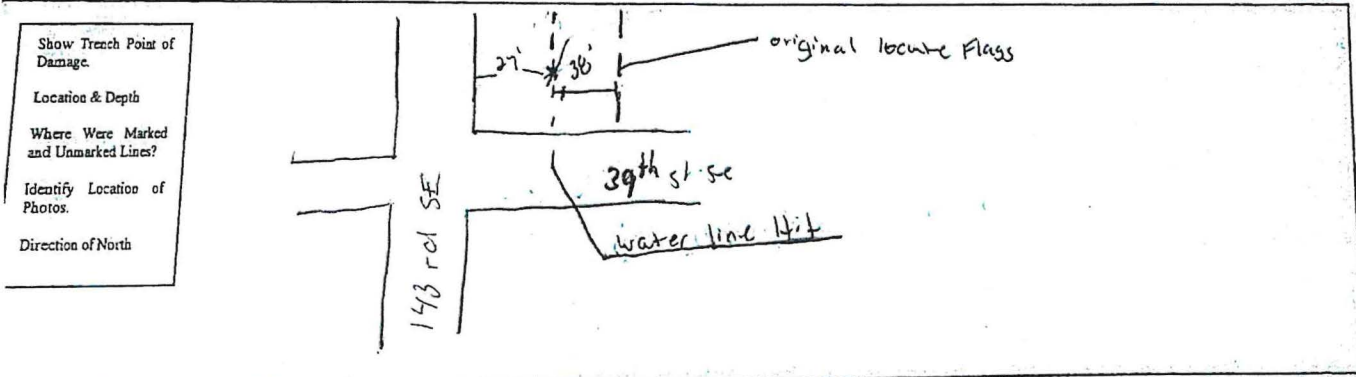
A. Located  B. Off Locate  By How Much? 38 FT INCHES C. Not Located

Machine Operator: Thomas Norgard

Foreman: Randy Halverson

Comments: water line was hit while being across 39<sup>th</sup> St SE  
the locate flags were 38' feet off of locate Cass Rural water manual  
flags closer 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: B.H. 10

Address: \_\_\_\_\_

Route: 1C

Phone: \_\_\_\_\_

Sheet: 10

**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 water line

Description of Damage 1.25" water line cut while during bore under road  
locate flags off of water line 38' to the west  
original locate flags 65' from CL of Road. 265' in 600' across  
flags placed in fill 96' x 100' Area of crop damage

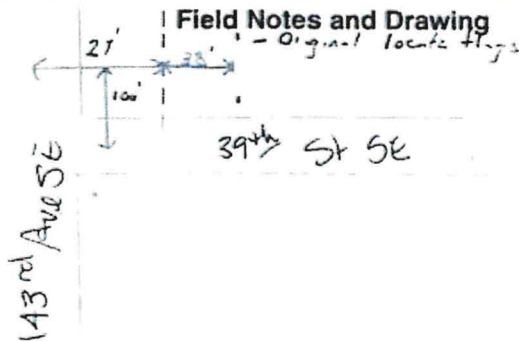
Action to be Taken Cass County repaired line at 6:40 p.m.

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

Date Contractor Completed Repairs: \_\_\_\_\_

Repairs By \_\_\_\_\_

**Field Notes and Drawing**



Repairs Verified \_\_\_\_\_

Date \_\_\_\_\_

Engineer's Resident \_\_\_\_\_

NCS

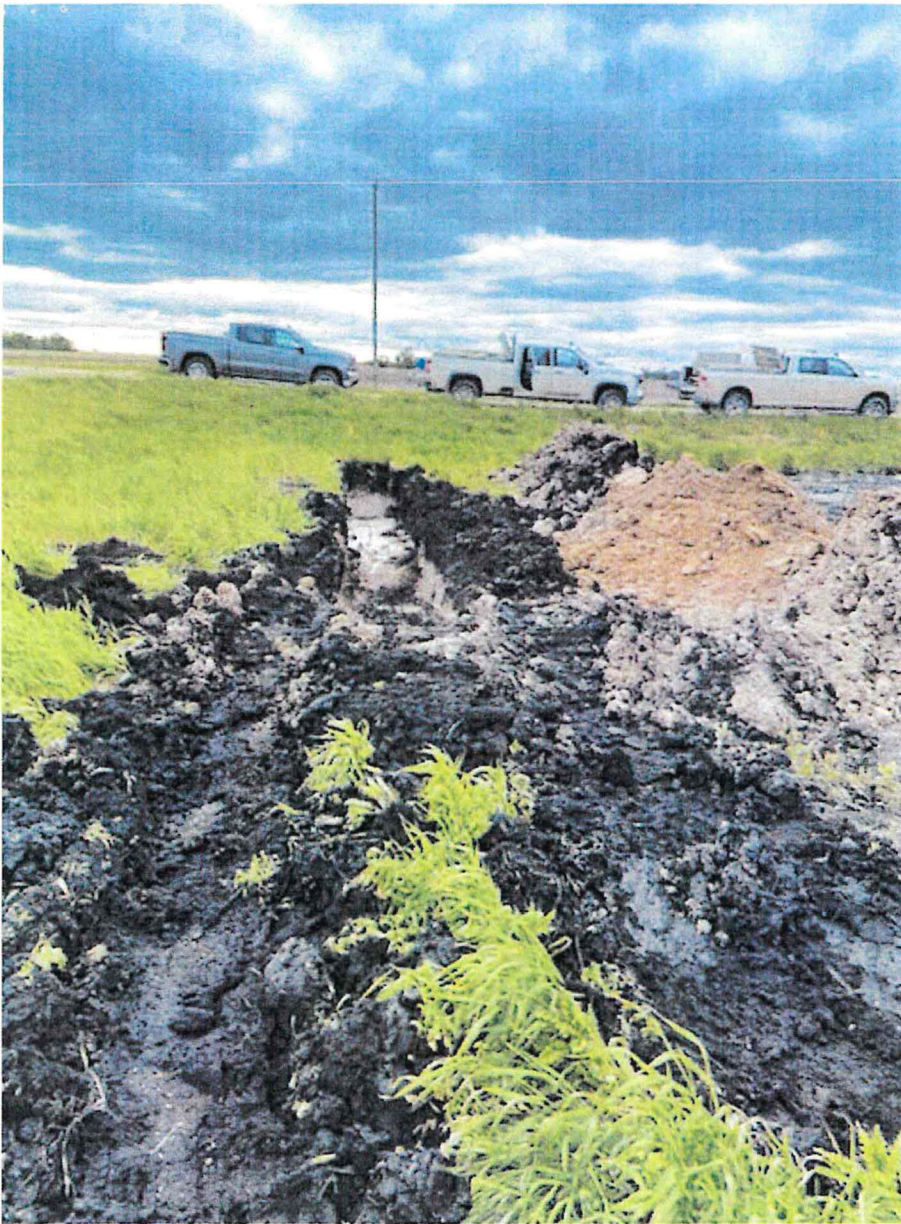






ucs





MS



mike schuppert <schuppertmike@gmail.com>

**Fwd: Ticket: 24046290**

1 message

**Donnie Coyle** <d111.coyle1987@gmail.com>  
To: "schuppertmike@gmail.com" <schuppertmike@gmail.com>

Thu, Aug 8, 2024 at 9:27 AM

----- Forwarded message -----

From: <nd@occinc.com>  
Date: Tue, May 21, 2024, 8:09 AM  
Subject: Ticket: 24046290  
To: <d111.coyle1987@gmail.com>

**NORTH DAKOTA ONE CALL**

It is your responsibility to ensure that both the ticket information and mapping location are correct, and that no work will take place outside the area indicated on the map. You can do that by clicking - [HERE](#).

Should any changes need to be made, you can use the 'Update' function. You can do that by clicking - [HERE](#). If you have any questions, please email [ialead@occinc.com](mailto:ialead@occinc.com).

The map is used to determine which Utility members may have facilities in your dig area. It is important that the precise excavation area and scope of work be fully described in the extent of work field on the ticket. Not all utilities have/will access a copy of the map.

To view utility status, or request a 'Relocate', 'Cancel', 'Dig-Up' or 'Non-Response' request click - [HERE](#).

**Ticket Summary**

<b>NOTICE OF INTENT TO EXCAVATE</b>	<b>LORQ ROUTINE</b>			
<b>Request #:</b>	24046290			
<b>Original Call Date:</b>	05/21/24	<b>Time:</b>	8:09 AM CT	<b>Type:</b> WEB
<b>Work to Begin Date:</b>	05/24/24	<b>Time:</b>	12:01 AM CT	
<b>Expiration Date:</b>	06/14/24	<b>Time:</b>	12:01 AM CT	

**Work Information**

<b>Location: County:</b>	CASS	<b>City:</b>	HOWES TWP	<b>City Limits:</b>	N
<b>Address / Street:</b>	0 143RD AVE SE				
<b>Near Intersection:</b>	37TH ST SE				
<b>CallerTwp:</b>	139N	<b>Rng:</b>	54W	<b>Sect-Qtr:</b>	14-NW
<b>Map Twp:</b>	139N	<b>Rng:</b>	54W	<b>Sect-Qtr:</b>	23-NW,22-NE,15-SE-NE,14-SW-NW,11-SW-NW,10-SE-NE

**Excavation Type:**

<b>Depth:</b>	8FT	<b>Explosives:</b>	N	<b>Tunneling/Boring:</b>	Y
<b>White lining/site identification:</b>	PROJECT STAKING				
<b>Type of Work:</b>	MAIN LINE FIBER				
<b>Extent of Work:</b>					





mike schuppert <schuppertmike@gmail.com>

**Fwd: Ticket: 24046296**

1 message

**Donnie Coyle** <d111.coyle1987@gmail.com>

Thu, Aug 8, 2024 at 9:26 AM

To: "schuppertmike@gmail.com" <schuppertmike@gmail.com>

----- Forwarded message -----

From: <nd@occinc.com>

Date: Tue, May 21, 2024, 8:12 AM

Subject: Ticket: 24046296

To: <d111.coyle1987@gmail.com>

**NORTH DAKOTA ONE CALL**

It is your responsibility to ensure that both the ticket information and mapping location are correct, and that no work will take place outside the area indicated on the map. You can do that by clicking - [HERE](#).

Should any changes need to be made, you can use the 'Update' function. You can do that by clicking - [HERE](#). If you have any questions, please email [iaload@occinc.com](mailto:iaload@occinc.com).

The map is used to determine which Utility members may have facilities in your dig area. It is important that the precise excavation area and scope of work be fully described in the extent of work field on the ticket. Not all utilities have/will access a copy of the map.

To view utility status, or request a 'Relocate', 'Cancel', 'Dig-Up' or 'Non-Response' request click - [HERE](#).

**Ticket Summary**

**NOTICE OF INTENT TO EXCAVATE**

**LORQ ROUTINE**

<b>Request #:</b>	24046296			
<b>Original Call Date:</b>	05/21/24	<b>Time:</b>	8:12 AM CT	<b>Type:</b> WEB
<b>Work to Begin Date:</b>	05/24/24	<b>Time:</b>	12:01 AM CT	
<b>Expiration Date:</b>	06/14/24	<b>Time:</b>	12:01 AM CT	

**Work Information**

<b>Location: County:</b>	CASS	<b>City:</b>	HOWES TWP	<b>City Limits:</b>	N
<b>Address / Street:</b>	0 40TH ST SE				
<b>Near Intersection:</b>	142ND AVE SE				
<b>CallerTwp:</b>	139N	<b>Rng:</b>	54W	<b>Sect-Qtr:</b>	22-NW
<b>Map Twp:</b>	139N	<b>Rng:</b>	54W	<b>Sect-Qtr:</b>	28-NE,27-NW,23-NW,22-SW-NW-NE,21-SE-NE,16-SE,15-SW-SE,14-SW

**Excavation Type:**

<b>Depth:</b>	8FT	<b>Explosives:</b>	N	<b>Tunneling/Boring:</b>	Y
<b>White lining/site identification:</b>	PROJECT STAKING				
<b>Type of Work:</b>	MAIN LINE FIBER				
<b>Extent of Work:</b>					

**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**

<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

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



**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) 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**

<b>OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).</b>			
<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.		
<b>EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).</b>			
<input type="checkbox"/> Excavation started prior to underground facility locate.	<input type="checkbox"/> Excavator failed to provide locate notice prior to beginning excavation.		
<input checked="" 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.		
<b>OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.</b>			
<input type="checkbox"/> 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 coustomers 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
---------------	--------------------------------	-----------------



# 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-Howes Twp Section 14

Date: 5/29/2024

<u>ITEM</u>	<u>BILLING UNITS</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>EXTENSION</u>	<u>SUBTOTAL</u>
<i>Mobilization</i>	<i>Lump Sum</i>				\$500.00
<b><u>EQUIPMENT</u></b>					
<i>78 Komatsu</i>	<i>Hours</i>	6.0	\$205.00	\$1,230.00	
<i>78 Komatsu/Braker</i>	<i>Hours</i>		\$230.00	\$0.00	
<i>Skid Loader</i>	<i>Hours</i>	2.0	\$115.00	\$230.00	
<i>Skid loader/Harley Rake</i>	<i>Hours</i>		\$165.00	\$0.00	
<i>Trencher</i>	<i>Feet</i>		\$7.00	\$0.00	
<i>hydro vac</i>	<i>Hours</i>		\$105.00	\$0.00	
<i>Equipment Subtotal</i>					\$1,460.00
<b><u>MATERIAL / OTHER</u></b>					
<i>Sand/ Gravel</i>	<i>Yard</i>				\$0.00
<i>Pipe and Fittings</i>	<i>Lump Sum</i>			\$421.36	\$421.36
<i>Taps</i>	<i>Lump Sum</i>				\$0.00
<i>Valves / Hydrants</i>	<i>Lump Sum</i>				\$0.00
<i>Boring</i>	<i>Feet</i>		\$12.00		\$0.00
<b><u>LABOR</u></b>					
<i>5 guys</i>	<i>Hrs</i>	25.0	\$90.00		\$2,250.00
<i>Subtotal Labor</i>					
<b>GRAND TOTAL</b>					<b>\$4,631.36</b>

We are an Equal Opportunity Provider and Employer



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 though 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 black ink, appearing to be 'Willie Reis', 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***



Please consider the environment before printing this email.



**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**

<b>OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).</b>	
<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.
<b>EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).</b>	
<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.
<b>OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.</b>	
<input checked="" type="checkbox"/> Write Issue/Concern: <u>SEE ATTACHMENT A</u>	

**SECTION IV – DESCRIPTION/DAMAGE**

Date and Time of Event 7/8/2024	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 5th St. / Williams Ave, Wheatland, ND	One-Call Ticket Number 24066564 / 24068866
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" main		Operator(s) Affected Cass Rural Water Users District
Estimated Value of Damage \$2,461.36	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 box culvert at a road intersection while paralleling 10-12 feet off of the existing waterline locates provided by CRWD. In the process of doing so, NCS personnel noticed clear water coming out of the bore hole, so NCS personnel called CRWD to verify. NCS prepped the hole down to about six (6) feet and then handed it over to CRWD to finish. See further description on Attachment A.		

**SECTION V – SIGNATURE OF COMPLAINANT**

Signature <i>Michael Schuppert</i>	Printed Name Michael Schuppert	Date 8/12/24
---------------------------------------	-----------------------------------	-----------------

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

## ATTACHMENT A TO COMPLAINT

### [JULY 8, 2024 INCIDENT]

On or about June 17 and June 20, 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 5<sup>th</sup> St./Williams Ave, Wheatland, ND. (See attached locate request.)

CRWD responded by putting blue locate flags out.

In reliance on the location provided by CRWD, and prior to commencing excavation activities, NCS located/spotted existing utilities within a five (5)-foot window of its 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 July 8, 2024, while NCS was directional drilling a box culvert at a road intersection approximately ten (10) to twelve (12) feet parallel from the existing waterline locates provided by CRWD, NCS personnel noticed clear water coming out of the bore hole.

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 ten (10) 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

# 1

## DAMAGE REPORT

Date: 7-8-24 10 A.M.

Locate #: 24066514 / 24068866 Locate Called in By (Employee Name): Donnie Coyle

Address Where Damage Occurred: intersection 5th St and Williams Ave

City and State: Wheatland, ND

Company Name of Damaged Utility: Water

Type of Utility Damaged (phone, electric, water, etc.): 2" water main

Check A, B, or C:

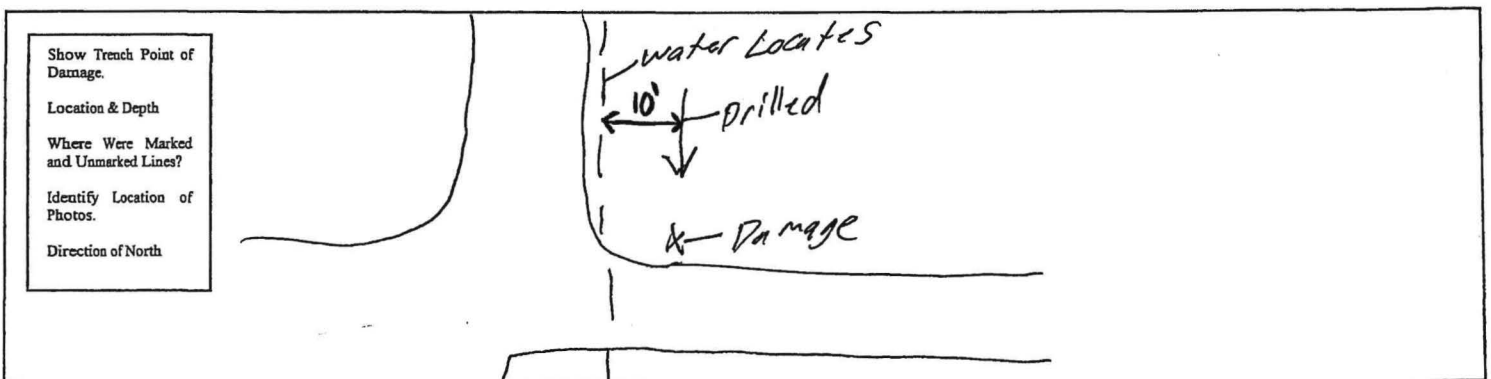
A. Located  B. Off Locate  By How Much? 10 FT 00 INCHES C. Not Located

Machine Operator: Andrew Juarez / Cameron Thoriton

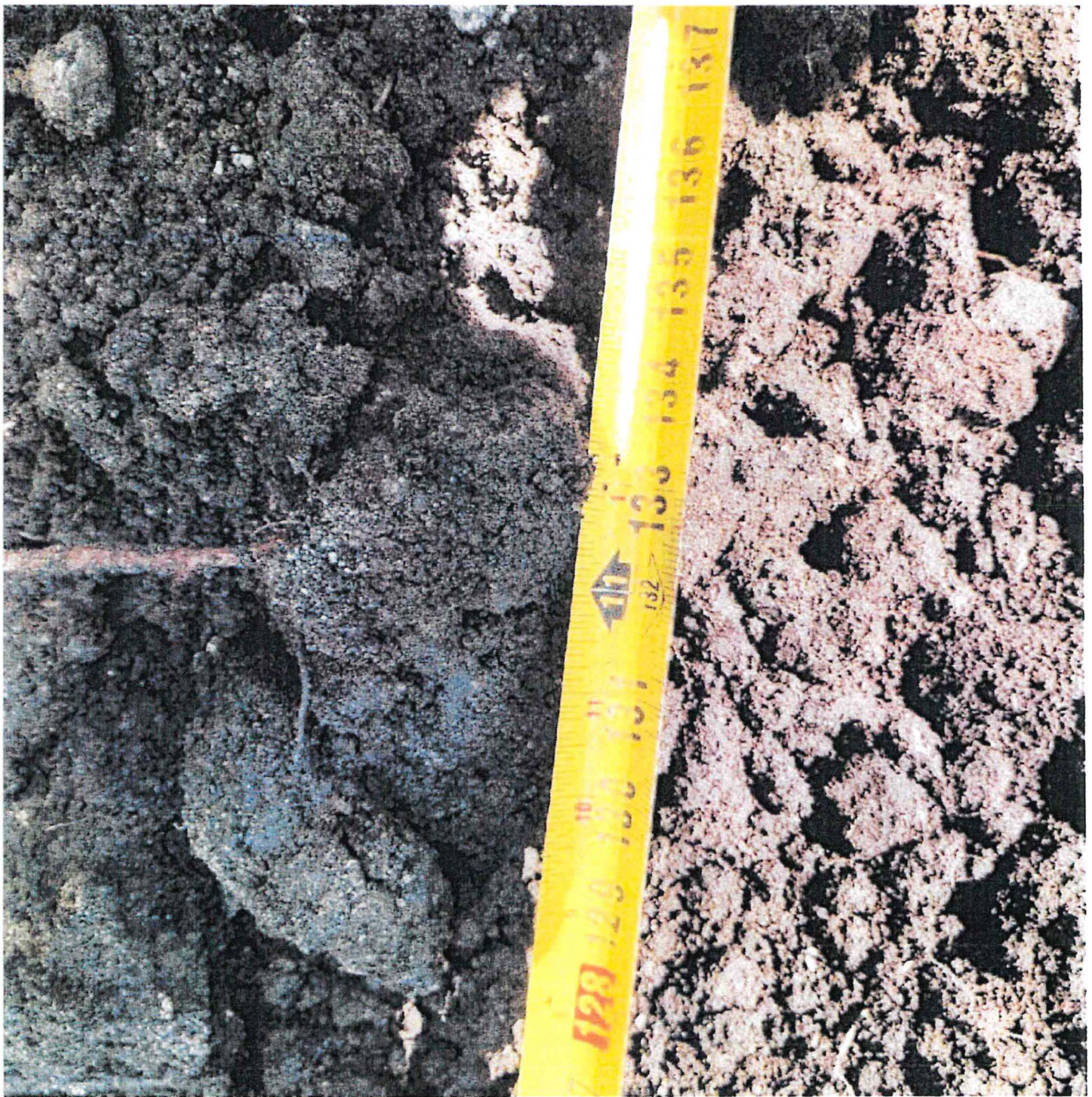
Foreman: Brinda H

Comments: While paralleling the existing water flags to directional drill under a concrete box culvert we noticed clear flowing water out of the bore hole and called Cass Rural Water to Inform them what was happening and see if they had a loss of pressure. NCS propped the hole for Cass Rural water down to approx. 6' and let them finish it the way they wanted it.

### Sketch of Job Where Accident Occurred:



NCS





NCS



NCS



**wd: Ticket: 24066564**

message

onnie Coyle <d111.coyle1987@gmail.com>  
o: schuppertmike@gmail.com <schuppertmike@gmail.com>

Thu, Aug 8, 2024 at 1:07 f

----- Forwarded message -----

From: <nd@occinc.com>  
Date: Mon, Jun 17, 2024 at 6:51 PM  
Subject: Ticket: 24066564  
To: <d111.coyle1987@gmail.com>

**NORTH DAKOTA ONE CALL**

It is your responsibility to ensure that both the ticket information and mapping location are correct, and that no work will take place outside the area indicated on the map. You can do that by clicking - [HERE](#).

Should any changes need to be made, you can use the 'Update' function. You can do that by clicking - [HERE](#). If you have any questions, please email [ialead@occinc.com](mailto:ialead@occinc.com).

The map is used to determine which Utility members may have facilities in your dig area. It is important that the precise excavation area and scope of work be fully described in the extent of work field on the ticket. Not all utilities have/will access a copy of the map.

To view utility status, or request a 'Relocate', 'Cancel', 'Dig-Up' or 'Non-Response' request click - [HERE](#).

**Ticket Summary**

**NOTICE OF INTENT TO EXCAVATE LORQ ROUTINE**

<b>Request #:</b>	24066564			
<b>Original Call Date:</b>	06/17/24	<b>Time:</b>	6:49 PM CT	<b>Type:</b> WEB
<b>Work to Begin Date:</b>	06/20/24	<b>Time:</b>	12:01 AM CT	
<b>Expiration Date:</b>	07/11/24	<b>Time:</b>	12:01 AM CT	

**Work Information**

<b>Location: County:</b>	CASS	<b>City:</b>	WHEATLAND CDP	<b>City Limits:</b>	Y
<b>Address / Street:</b>	0 FRONT ST				
<b>Near Intersection:</b>	5TH ST				
<b>Map Twp:</b>	140N	<b>Rng:</b>	53W	<b>Sect-Qtr:</b>	27-SE,26-SW

**Excavation Type:**

<b>Depth:</b>	8FT	<b>Explosives:</b>	N	<b>Tunneling/Boring:</b>	Y
---------------	-----	--------------------	---	--------------------------	---

**White lining/site identification:** PROJECT STAKING

**Type of Work:** MAIN LINE FIBER

**Extent of Work:**

MARKING INSTRUCTIONS: MARK 75 FT EITHER SIDE OF THE FLAGGED ROUTE - MARK 75 FEET EITHER SIDE OF FLAGGED ROUTE. MARK FOLLOWING THE ROUTE W FOR 691 FT.

GOOGLE DRIVING DIRECTIONS:  
FROM THE INTERSECTION OF FRONT ST AND 5TH ST, HEAD WEST ON FRONT ST/WILLIAM ST/5TH ST FOR 13 FT HEAD SW FOR 15 FT TO THE BEGINNING OF THE ROUTE.

**Remarks:**

**Caller Information**

**Company:** NORTH CENTRAL SERVICES **Call Back:**

**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
ATT01	AT&T CORP.	(800)252-1133
CASWTR01	CASS RURAL WATER D	(701)428-3139
OTPNDE01	OTTER TAIL POWER C	(800)257-4044
SPRINT01	SPRINT NEXTEL	(800)521-0579

#### 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:** 46.9076735    **Lon:** -97.3486883    **SE Lat:** 46.9070807    **Lon:** -97.3452817

#### 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/).



wd: Ticket: 24068866

message

onnie Coyle <d111.coyle1987@gmail.com>  
o: schuppertmike@gmail.com <schuppertmike@gmail.com>

Thu, Aug 8, 2024 at 1:07 P

----- Forwarded message -----

From: <nd@occinc.com>  
Date: Thu, Jun 20, 2024 at 9:25 AM  
Subject: Ticket: 24068866  
To: <d111.coyle1987@gmail.com>

### NORTH DAKOTA ONE CALL

It is your responsibility to ensure that both the ticket information and mapping location are correct, and that no work will take place outside the area indicated on the map. You can do that by clicking - [HERE](#).

Should any changes need to be made, you can use the 'Update' function. You can do that by clicking - [HERE](#). If you have any questions, please email [ialead@occinc.com](mailto:ialead@occinc.com).

The map is used to determine which Utility members may have facilities in your dig area. It is important that the precise excavation area and scope of work be fully described in the extent of work field on the ticket. Not all utilities have/will access a copy of the map.

To view utility status, or request a 'Relocate', 'Cancel', 'Dig-Up' or 'Non-Response' request click - [HERE](#).

#### Ticket Summary

##### NOTICE OF INTENT TO EXCAVATE LORQ ROUTINE

Request #:	24068866				
Original Call Date:	06/20/24	Time:	9:22 AM CT	Type:	WEB
Work to Begin Date:	06/25/24	Time:	12:01 AM CT		
Expiration Date:	07/16/24	Time:	12:01 AM CT		

#### Work Information

Location: County:	CASS	City:	WHEATLAND CDP	City Limits:	Y
Address / Street:	0 5TH ST				
Near Intersection:	149TH AVE SE				
Map Twp:	140N	Rng:	53W	Sect-Qtr:	35-NW,34-NE,27-SE,26-SW

#### Excavation Type:

Depth:	8FT	Explosives:	N	Tunneling/Boring:	Y
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White lining/site identification: PROJECT STAKING

Type of Work: MAINLINE FIBER

#### Extent of Work:

MARKING INSTRUCTIONS: MARK 50 FT EITHER SIDE OF THE FLAGGED ROUTE - MARK 50 FEET EITHER SIDE OF WHITE FLAGGED ROUTE. MARK FOLLOWING THE ROUTE N FOR 867 FT.

#### GOOGLE DRIVING DIRECTIONS:

FROM THE INTERSECTION OF 5TH ST AND 149TH AVE SE, HEAD EAST ON 35TH ST SE/WILLIAM ST FOR 26 FT HEAD S FOR 10 FT TO THE BEGINNING OF THE ROUTE.

#### Remarks:

#### Caller Information

Company: NORTH CENTRAL SERVICES

Call Back:

**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
ATT01	AT&T CORP.	(800)252-1133
CASELE01	CASS COUNTY ELECTR	(701)356-4471
CASWTR01	CASS RURAL WATER D	(701)428-3139
OTPNDE01	OTTER TAIL POWER C	(800)257-4044
SPRINT01	SPRINT NEXTEL	(800)521-0579

#### 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:** 46.9074439    **Lon:** -97.3456427    **SE Lat:** 46.9047922    **Lon:** -97.3452067

#### 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/).



**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) 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 Bimidji	State MN	Zip Code 56601

**SECTION III – ALLEGED VIOLATION**

<b>OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).</b>	
<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.
<b>EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).</b>	
<input type="checkbox"/> Excavation started prior to underground facility locate.	<input type="checkbox"/> Excavator failed to provide locate notice prior to beginning excavation.
<input checked="" 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.
<b>OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.</b>	
<input type="checkbox"/> Write Issue/Concern: _____	

**SECTION IV – DESCRIPTION/DAMAGE**

Date and Time of Event July 8, 2024	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) SE corner of williams st & 5th st in wheatland	One-Call Ticket Number 24066560
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 2 inch	Operator(s) Affected Crew of three guys	
Estimated Value of Damage 2461.36	Injuries (List Number, If Any) Fatalities _____ Injuries _____ Hospitalizations _____	Number of Customers Affected 9 houses
Description of the alleged violation/concern. If more space is required, attach additional page(s). On July 8, 2024 North Central Services bored through our 2 inch pvc waterline at 8 ft of depth in the southeast corner of williams st and 5th st in wheatland ND. Our waterline was marked with blue locate flags and was located to the best of our ability off of our 1980 as-builts. The flages where 11 ft off from where they hit the waterline NCS had a Backhoe on site but they would not look for the water line and proceeded to bore without verifying our water line location or depth. Where the water line was damaged NCS was boring at a depth of 8 feet. As a result, CRWD had 9 people out of water for a total of 4 hrs until the repair was completed. Abill was sent to NCS for \$2461.36		

**SECTION V – SIGNATURE OF COMPLAINANT**

Signature 	Printed Name Brent Brinkman	Date 7-10-2024
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On July 8, 2024 North Central Services bored through our 2" pvc watermain in the southeast corner of Willams St and 5<sup>th</sup> St in Wheatland ND. Our waterline was marked with blue locate flags and was located to the best of our ability using as-builts from 1978. NCS had a backhoe on site and did not look for our line and proceeded to bore without verifying our water line location or depth. Where the water line was damaged NCS was boring at a depth of 8'. As a result, CRW had 9 people out of water for a total of 4 hours until the repair was completed. A bill was sent to NCS for \$2461.36.

A handwritten signature in black ink, appearing to be 'W. H. H.', located in the lower right quadrant of the page.

**Bauske, Shelly A.**

---

**From:** Brent Brinkman <brent.brinkman@cassruralwaterdistrict.com>  
**Sent:** Wednesday, July 10, 2024 12:48 PM  
**To:** -Info-Public Service Commission  
**Cc:** William Reis  
**Subject:** Hit Water line  
**Attachments:** img20240710\_12350126.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. **\*\*\*\*\***

Cass Rural Water District has had problems with a project of BEK communications installing fiber line this will be the 4<sup>th</sup> time we have been hit on this project and the contractor refuses to look for our waterline and they have told use the will not be paying the bills for repairs to the water lines they have hit. I have summited this complaint along with two others to the PSC. I have never went through this prosses before just wondering what the standard protocol is.

Thanks for your time

Brent Brinkman  
Assistant Manager  
701-428-3139



**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**

<b>OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).</b>			
<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.		
<b>EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).</b>			
<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.		
<b>OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.</b>			
<input checked="" type="checkbox"/> 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
---------------	-----------------------------------	-----------------

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

### [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:

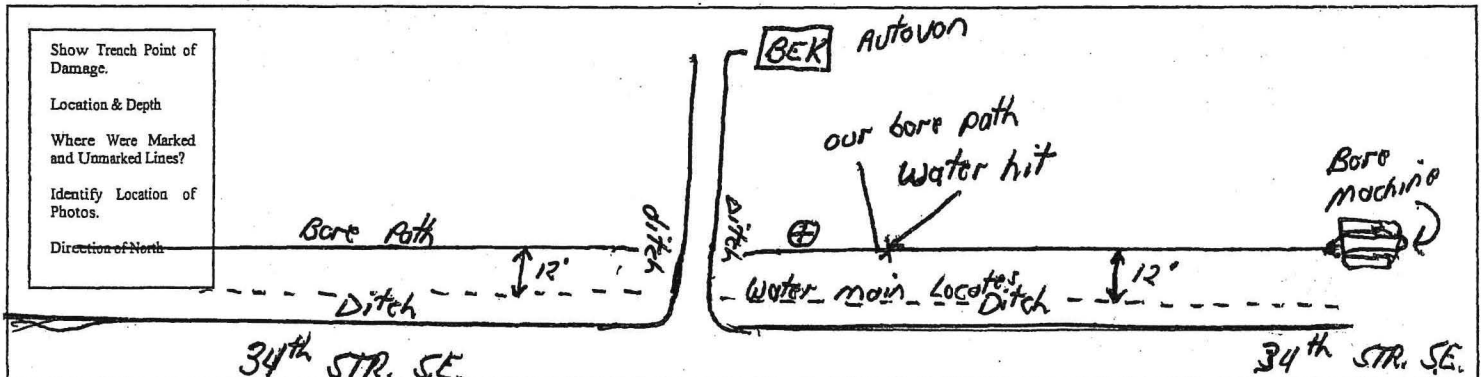
A. Located  B. Off Locate  By How Much? 12 FT / 1 INCHES C. Not Located

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 locates, 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



✓CS





**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/).



**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) 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**

<b>OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).</b>			
<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.		
<b>EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).</b>			
<input type="checkbox"/> Excavation started prior to underground facility locate.	<input type="checkbox"/> Excavator failed to provide locate notice prior to beginning excavation.		
<input checked="" 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.		
<b>OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.</b>			
<input type="checkbox"/> 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
---------------	--------------------------------	-------------------



Showing  
Crew head  
w/ flags  
+ failure of NCS  
to pothole



CRW had Line  
Marked and  
No Evidence  
of patrolling  
By NCS



Showing that  
NCS protected  
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 lower right quadrant of the page.



# 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

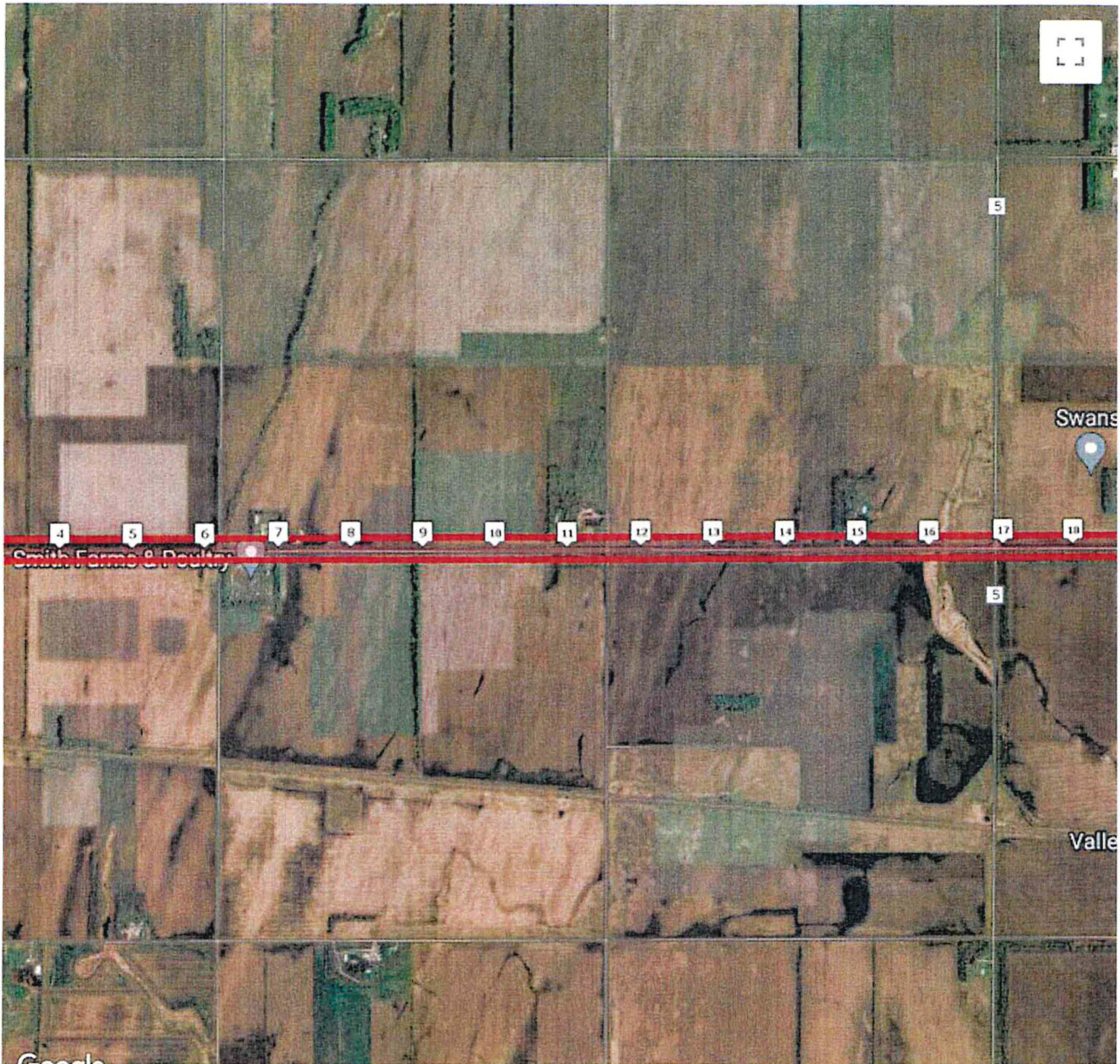
**County:** CASS  
**Place:** WHEATLAND TWP  
**City Limits:** N  
**Address:**  
**Street:** 34TH ST SE  
**Intersecting Street:** 145TH AVE SE  
**Location of Work:** MARKING INSTRUCTIONS: MARK 150 FT EITHER SIDE OF THE FLAGGED ROUTE - MARK 150 FEET EITHER SIDE OF WHITE FLAGGED ROUTE. MARK FOLLOWING 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 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