



Public Service Commission  
State of North Dakota

COMMISSIONERS

Randy Christmann  
Sheri Haugen-Hoffart  
Julie Fedorchak

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

**RESPONSE REQUIRED BY  
DECEMBER 27, 2024**

December 5, 2024

Lonnie Kern  
BEK Consulting, LLC  
PO Box 1010  
Dickinson, ND 58602-1010

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 BEK Consulting, LLC received by the North Dakota Public Service Commission (Commission) on September 16-17, 2024, from Montana-Dakota Utilities Co., Dickinson, North Dakota, Case Numbers DM-24-337, DM-24-338, DM-24-339, DM-24-340. The locations are identified in the complaints.

I am sending you this information so that you are aware of the complaints and may respond with information concerning the complaints. **Please respond to Executive Secretary, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by December 27, 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 these complaints. If I conclude a violation did occur, I will file with the Commission a formal complaint against BEK Consulting, LLC 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 with any questions regarding this correspondence.

Sincerely,

Konrad Crockford  
Director, Compliance Division

Enclosure: North Dakota One-Call Complaints

2 DM-24-337 Filed 12/05/2024 Pages: 5  
Letter Enclosing North Dakota One-Call Complaint

Public Service Commission

2 DM-24-338 Filed 12/05/2024 Pages: 5  
Letter Enclosing North Dakota One-Call Complaint

Public Service Commission

2 DM-24-339 Filed 12/05/2024 Pages: 5  
Letter Enclosing North Dakota One-Call Complaint

Public Service Commission

2 DM-24-340 Filed 12/05/2024 Pages: 5  
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) Montana Dakota Utilities			
Contact Person Kim Obritsch	Email Address kim.obritsch@mdu.com	Telephone Number 701-290-7365	
Mailing Address 1133 West Broadway	City Dickinson	State ND	Zip Code 58601
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) BEK Consulting, LLC			
Contact Person Lonny Kern	Email Address	Telephone Number 701-690-1185	
Mailing Address 3180 Hwy 22 N. PO Box 1010	City Dickinson	State ND	Zip Code 58602

**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: <u>BEK Consulting failed to locate existing facilities</u>	

**SECTION IV – DESCRIPTION/DAMAGE**

Date and Time of Event 9/10/2024 9:40 AM MDT	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 66 Museum Drive Dickinson, ND- Sims street	One-Call Ticket Number 24117278
Underground Facility Affected <input type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input type="checkbox"/> Cable <input type="checkbox"/> Communications <input 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 1/4" plastic gas line	Operator(s) Affected MDU	
Estimated Value of Damage \$4,000	Injuries (List Number, If Any) Fatalities _____ Injuries _____ Hospitalizations _____	Number of Customers Affected 2
Description of the alleged violation/concern. If more space is required, attach additional page(s). BEK Consulting failed to exposed marked gas line properly causing damage to MDU facilities. Area was located and marked prior to damage.		

**SECTION V – SIGNATURE OF COMPLAINANT**

Signature 	Printed Name Kim Obritsch	Date 9/16/2024
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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



**ONE-CALL COMPLAINT**  
**PUBLIC SERVICE COMMISSION**  
 SFN 59067 (08/2022)

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Company/Entity Name (if applicable) Montana Dakota Utilites			
Contact Person Kim Obritsch	Email Address kim.obritsch@mdu.com	Telephone Number 701-290-7365	
Mailing Address 1133 West Broadway	City Dickinson	State ND	Zip Code 58601
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) BEK Consulting, LLC			
Contact Person Lonny Kern	Email Address	Telephone Number 701-690-1185	
Mailing Address 3180 Hwy 22 N. PO Box 1010	City Dickinson	State ND	Zip Code 58601

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<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: <u>BEK Consulting dug through MDU's underground 3 phase primary</u>	

**SECTION IV – DESCRIPTION/DAMAGE**

Date and Time of Event 9/14/2024 8:00 AM MDT	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 1230 Sims Dickinson, ND-- Museum Drive	One-Call Ticket Number 24123157
Underground Facility Affected <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Cable <input type="checkbox"/> Communications <input 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.) 3- 1/0 JCNP UG primary cable		Operator(s) Affected MDU
Estimated Value of Damage \$3,500	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). BEK Consulting failed to locate MDU's 3 phase primary properly per ND dig law causing damage to MDU facilities. Locates where current and visible. This was the second damage caused by BEK Consulting in 4 days to MDU facilities.		

**SECTION V – SIGNATURE OF COMPLAINANT**

Signature <i>Kim Obritsch</i>	Printed Name Kim Obritsch	Date 9/16/2024
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Please email the completed form to ndpsc@nd.gov, fax to 701-328-2410, or mail to: Public Service Commission  
 600 E. Boulevard Ave. Dept 408  
 Bismarck, ND 58505-0480



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Contact Person Kim Obritsch	Email Address kim.obritsch@mdu.com	Telephone Number 701-290-7365	
Mailing Address 1133 West Broadway	City Dickinson	State ND	Zip Code 58601
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

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Company/Entity Name (if applicable) BEK Consulting, LLC			
Contact Person Lonny Kern	Email Address	Telephone Number 701-690-1185	
Mailing Address 3180 Hwy 22 N. PO Box 1010	City Dickinson	State ND	Zip Code 58602

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<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 9/16/2024 10:35 AM MDT	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 1230 Sims Street, Dickinson, ND- Museum Drive	One-Call Ticket Number 24123157
Underground Facility Affected <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Cable <input type="checkbox"/> Communications <input 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.) 3- 1/0 JCNP UG primary cable		Operator(s) Affected MDU
Estimated Value of Damage \$2,500	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). BEK Consulting failed to compact properly without a spotter, hooking MDU's exposed 3 phase ug conductor causing damage and loss of power to MDU's customers.		

**SECTION V – SIGNATURE OF COMPLAINANT**

Signature 	Printed Name KIm Obritsch	Date 9/16/2024
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<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 9/17/2024 10:15 AM MDT	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 72 East Museum Drive/ Sims Street	One-Call Ticket Number 24117278
Underground Facility Affected <input type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input type="checkbox"/> Cable <input type="checkbox"/> Communications <input 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" plastic gas service line	Operator(s) Affected MDU	
Estimated Value of Damage \$3,000	Injuries (List Number, If Any) Fatalities _____ Injuries _____ Hospitalizations _____	Number of Customers Affected 1
Description of the alleged violation/concern. If more space is required, attach additional page(s). BEK Consulting failed to properly expose MDU gas service line. Locates were marked correctly. This is the 4th hit to MDU facilities by this contractor in 6 days.		

**SECTION V – SIGNATURE OF COMPLAINANT**

Signature 	Printed Name Kim Obritsch	Date 9/17/2024
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