



Dear Executive Secretary, North Dakota Public Service Commission,

My name is Taylor Picard the owner and operator of Picard Excavating Inc. I am writing to you in response to the North Dakota One-Call Complaints you received against our company regarding an incident that happened Thursday September 5, Friday September 6th, and Monday September 9th. We are a small residential excavating company specializing in site prep for new construction homes that was established in 2015. Over the last 10 years we have done the site prep for more than a few hundred new construction homes. We are based out of Minot, ND but do some traveling for work in Watford City, ND.

In those 10 years we have never received a complaint to the Public Service Commission because we do not have many incidents like what happened on those 3 days. And we always call in our One-Call Locate requests. The locate numbers for these properties were 24110841 and 24110839. We were hired to do the sewer and water installation and house excavation in a subdivision in Minot that we had not worked in before. We have worked in every other subdivision in Minot over the last 10 years. The first thing we need to do for our scope of work is to find the sewer service that is stubbed into the lot and dig up the curbstop so we can hook up the water service line and we can install both services into the future house footprint. Both the water and the sewer run underground at an 8' depth minimum. In order to do that we need to cross underneath the gas line as well as the electrical and telecommunication lines. Which we are required to do in every subdivision in Minot besides one and have done hundreds of times.

The standard practice that I know every excavation contractor does to achieve this is to hand dig where the One-Call marks are at until you find the buried utility. Which we did on those days. Once you find the utility you have to dig down some on each side of the utility with the excavator. Remember our sewer and water services need to be installed 8' deep and we need to dig a safe trench to OSHA standards to be able to send guys in the trench to install the services. So once we dig down on each side of the utility we make sure the utility is exposed by hand and then we need to pull the top layer of dirt off with the excavator to allow us to create a safe trench to install the sewer and water services.

This is where we ran into issues. We know we are not supposed to be within 2' of each direction of the utility but I believe most would agree it is not realistic to hand dig a trench 4' wide by 12' long by 4' deep in compacted soils that you can hardly get a shovel into. That is why we hand dig until we find the utility and then we very carefully pull the top layer of dirt that is above the utility off with the excavator. Like we have done hundreds of times before. In this particular development when we tried to pull the top layer of dirt off we ended up hitting the gas line due to the gas line being installed like a roller coaster. Normally the gas line is installed reasonably level and we can pull one pass with the excavator above the gas line without coming close to it. When we hit the gas line it was 18" deep on one side of the bucket and 4' deep on the other side of the bucket. The gas line in this development was installed with extreme elevation changes underground and unfortunately two different experienced operators, myself being one of them, on two different days, and two different lots, accidentally damaged the gas

line doing the same thing we do almost every day. It was not due to negligence or incompetence like the one complaint claims. Like I have stated we have done these crossings hundreds of times with no issues and have never witnessed a gas line running underground with that extreme of elevation changes.

Like I also stated I know we are in the wrong in the eyes of the law and I apologize. We obviously were not intentionally trying to cause damage or have a potential accident or safety issue. We were trying to resolve one safety issue of digging a safe 8' deep trench perpendicular to the utilities and ended up damaging the gas line. Which has started many conversations and questions.

Due to these complaints I have been in contact with multiple members of the One-Call board as well as different municipalities to ask why the most dangerous buried utilities are allowed to be installed with no specifications or standards and like a roller coaster. In my eyes there are a couple different simple solutions that can hopefully come from this incident. One solution I have brought to the municipalities is to require new subdivisions to install sewer and water services past the future utility easement to reduce the risk of damage by never having to cross the utilities to install sewer and water services. Another thing that could help reduce the risk of damage would be to require the utilities to be installed to a standard spec. When we install sewer and water they have to be installed at a certain depth, certain grade, and in the right of way they are required to have ditch tape 1' off the buried line. I believe that the most dangerous utilities in the ground should be required to be installed at a certain depth, reasonably level, and marking tape a certain distance above them.

I am not trying to pass the blame or anything like that. I take full responsibility for the mistakes that our company made on those days. I believe it was unfortunate and we were unlucky with the cards we were dealt on those lots but lessons were learned. I do not want to have a company that gets a bad reputation. I want to run a company that follows the rules and provides safe and quality service around the state. If you have any other questions about what happened or anything I said in this response please reach out to me at 701-263-1280 or Picardexcavating@gmail.com

Best regards,
Taylor Picard



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