

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

M E M O R A N D U M

TO: Commissioners Christmann, Haugen-Hoffart, and Kringstad
Steve Kahl, Executive Secretary

FROM: Konrad Crockford, Director, Compliance Division

DATE: December 5, 2025

RE: North Dakota One-Call Complaint
Case No. DM-25-25

On January 15, 2025, a North Dakota One-Call Complaint was received from Earth Energy & Water Systems, Inc., (EEWS) alleging that Montana-Dakota Utilities Co. (MDU) violated N.D.C.C. Chapter 49-23 One-Call Excavation Notice System by failing to mark an underground facility within 24-inches horizontally.

The complainant alleges MDU failed to locate a natural gas line on an initial one-call ticket but marked and flagged the natural gas line when EEWS renewed the one-call ticket.

Staff investigated the complaint and identified that when the contracted locator working for MDU provided locate services for the initial one-call ticket, the locator documented in their computer system that they spoke with EEWS and were given instructions by EEWS to locate only part of the area. If further locates were needed, EEWS would place additional one-call tickets. When EEWS renewed their one-call ticket, a different contract locator was dispatched, and all the gas lines were located throughout the one-call ticket area. The law does not prohibit operators and excavators from communicating to clarify and refine an excavation area identified on a one-call ticket.

Based on the investigation, there is not sufficient evidence to support a violation; therefore, Staff does not intend to file a formal complaint. Additionally, Staff recommends that no further action be taken, and the case be closed.