

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

M E M O R A N D U M

TO: Commissioners Christmann, Haugen-Hoffart, and Kringstad
Brian Johnson, Executive Secretary

FROM: Konrad Crockford, Director, Compliance Division

DATE: July 7, 2026

RE: North Dakota One-Call Complaint
Case Nos. DM-25-158, DM-25-159, and DM-25-160

On April 2, 2025, the Commission received three North Dakota One-Call complaints from Advanced Engineering and Environmental Services, LLC (AE2S), alleging that Trenton Water Users Cooperative (TWUC) violated N.D.C.C. Chapter 49-23, the One-Call Excavation Notice System, by failing to mark or clear underground facilities within the required locate period.

The complainant alleges that TWUC did not provide any information in response to the locate notices, despite knowing it had underground facilities within the project area.

Staff investigated the complaints and determined that all three notices submitted by AE2S were survey tickets. Pursuant to N.D.C.C. § 49-23-04.1(4), "[w]ithin five days; excluding Saturdays, Sundays, and holidays; an operator with a facility within the survey area shall locate or mark the facilities physically, provide location information electronically, or meet with the ticket holder." Unlike excavation notices, survey notices do not require operators to submit a positive response.

AE2S provided information indicating that TWUC was in communication with its representatives during the relevant timeframe; however, Staff was unable to determine whether TWUC failed to respond within the required timeframe using one of the three methods authorized under N.D.C.C. § 49-23-04.1(4).

Based on the investigation, Staff found insufficient evidence to support a violation of N.D.C.C. Chapter 49-23. Accordingly, Staff does not intend to file a formal complaint and recommends that no further action be taken and that the case be closed.