



Public Service Commission

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Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

August 27, 2025

Mr. Steve Kahl
Executive Secretary
North Dakota Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck ND 58505-0480

via Hand Delivery

Re: Case No. DM-25-191
Public Service Commission
Westwood Professional Services, Inc.
Damage Prevention Enforcement

Dear Mr. Kahl:

Enclosed is a copy of the Consent Agreement to be filed in the above captioned case.

Best regards,

A handwritten signature in blue ink, appearing to read "Brian Johnson".

Brian Johnson
Legal Counsel

Enclosure

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

**Public Service Commission
Westwood Professional Services, Inc.
Damage Prevention Enforcement**

Case No. DM-25-191

PUBLIC SERVICE COMMISSION,)	
)	
Complainant,)	
)	
vs.)	CONSENT AGREEMENT
)	
)	
Westwood Professional Services, Inc.)	
)	
Respondent.)	

This Consent Agreement is entered into by and between Westwood Professional Services, Inc. (Westwood) and the Public Service Commission (Commission) Advocacy Staff (Staff) (together, the Parties) for resolution of Case No. DM-25-191.

Preliminary Statement

On May 16, 2025, the Commission received a North Dakota One-Call Complaint (Complaint) from Levi Rue. The Complaint alleges that Westwood violated North Dakota Century Code (N.D.C.C.) § 49-23-05(3) of the One-Call Excavation Notice System by failing to remove all tangible marking materials used to mark underground facilities and sites upon completion of the excavations at 27 locations.

On June 5, 2025, Staff received a response from Westwood acknowledging that Westwood made several One-Call requests in accordance with state law. Westwood

denies that it violated the One-Call law; however, Westwood immediately mobilized a field crew to remove the marking materials.

Discussion

Between October 16, 2024, and October 17, 2024, Westwood placed 72 excavation notices with the North Dakota One-Call Notification Center (NDOC) to support a survey project in Eddy County and Wells County in North Dakota to locate the original stone markers placed at road intersections. At the conclusion of the project, the marking flags were not removed.

Upon receiving the Complaint, Westwood dispatched a field crew to remove the flags from the 27 locations identified in the Complaint in addition to the 45 other locations Westwood filed excavation notices for.

Violation:

Excavator Failed to Remove All Tangible Marking Materials

N.D.C.C. § 49-23-05(3) states “Assume ownership of materials used to mark the facility, use reasonable efforts to maintain markings during excavation, and remove all tangible marking materials used to mark the underground facility and site area upon completion of the excavation.”

Having investigated the alleged violation, Staff believes Westwood violated N.D.C.C. § 49-23-05(3) by failing to remove all tangible marking materials used to mark the underground facility and site area upon completion of the excavation.

Agreement

The Parties engaged in good faith settlement discussions resulting in this Consent Agreement. Westwood demonstrated exceptional responsiveness to the complaint through the mobilization of a field crew to conduct cleanup operations at not only the 27 locations identified in the Complaint, but the additional 45 other locations as well. Having agreed that settlement of these proceedings will avoid further administrative proceedings or litigation, and that entry of this Consent Agreement is the most appropriate means of resolving this administrative action, the Parties agree to the following, subject to the approval and acceptance of the Commission:

1. Westwood violated N.D.C.C. § 49-23-05(3) by failing to remove all tangible marking materials used to mark the underground facility and site area upon completion of the excavation.
2. Westwood agrees to be assessed a civil penalty of \$2,700.
3. Westwood agrees to remit \$500 of the \$2,700 payable to the North Dakota Public Service Commission within ten (10) business days of service of an Order accepting or approving the Consent Agreement. The remaining \$2,200 civil penalty is suspended on the condition that Westwood commits no further violations of N.D.C.C. Chapter 49-23 within five (5) years of the date of the Order.
4. Staff agrees no other proceeding will be initiated and no other remedy or penalty will be sought based on the violations alleged in this case.
5. Westwood consents to the filing of the Consent Agreement and an Order and hereby waives any further procedural requirements with respect to the issuance of the Order. Provided the Commission adopts this Consent Agreement and

issues an Order consistent with it, Westwood understands and agrees to waive all rights to contest the violation, the right to be represented by counsel, the right to present evidence and arguments to the Commission, the right to cross-examine witnesses, or contest the validity of this Consent Agreement and Order, including all rights to administrative or judicial hearings or appeals.

6. Westwood agrees to provide the Commission with a U.S. Department of the Treasury Internal Revenue Service Form W-9 within ten (10) business days of service of an Order accepting or approving the Consent Agreement.
7. There are no covenants, promises, undertakings, or understandings other than specifically set forth in this Consent Agreement and Order.
8. This agreement may be executed in counterparts and duplicate copies, each of which shall be deemed to be an original, and which, when taken together, shall constitute one and the same instrument.
9. The undersigned is authorized to act on behalf of Westwood and bind Westwood for the purposes of this Consent Agreement and knows and fully understands the content and effect.

Dated this 27th day of August, 2025

PUBLIC SERVICE COMMISSION
ADVOCACY STAFF – DAMAGE PREVENTION

By:  _____

Brian Johnson
Special Assistant Attorney General (Bar ID 07937)
Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480
701-328-2407

Dated this 27th day of August, 2025

Westwood Professional Services, Inc.

By:  _____

Dan Beckmann
Senior Vice President, Renewables Division
Westwood Professional Services, Inc.
12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

C T Corporation System
Registered Agent for
Westwood Professional Services, Inc.
120 W. Sweet Ave.
Bismarck, ND 58504