



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

**RESPONSE REQUIRED BY
September 11, 2026**

August 17, 2026

Mike Hofer
Nathan Hofer
H & H Fencing LLC
11660 35th St SW
Dickinson ND 58601

Re: North Dakota Century Code Chapter 49-23: One-Call Excavation Notice System

Enclosed is a copy of the North Dakota One-Call Complaint against H & H Fencing LLC received by the North Dakota Public Service Commission (Commission) on July 29, 2025, from Kinder Morgan, Williston, North Dakota, Case Number DM-25-230. The location is identified in the complaint.

I am sending you this information so that you are aware of the complaint and may respond with information concerning the complaint. **Please respond to Executive Secretary, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by September 11, 2026**, with your written account of the event, including the applicable One-Call locate ticket number(s) for work performed at the location identified in the complaint and in connection with the enclosed complaint.

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 this complaint. If I conclude a violation did occur, I will file with the Commission a formal complaint against H & H Fencing 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 Complaint



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) Kinder Morgan			
Contact Person Ryan Farmer	Email Address ryan_farmer@kindermorgan.com	Telephone Number 701-339-6090	
Mailing Address 611 37th Ave SE bldg. 29	City Williston	State ND	Zip Code 58801
Complainant is willing and able to testify on the complaint if matter proceeds to a formal hearing.		☒ YES	☐ NO

SECTION II – RESPONDENT (Individual/entity who allegedly violated the One-Call law)

Company/Entity Name (if applicable) H&H Fencing			
Contact Person Mike Hofer/Nathan Hofer	Email Address handhfencing@yahoo.com	Telephone Number 701-204-8039	
Mailing Address 160 35th St SW	City Dickinson	State ND	Zip Code 58601

SECTION III – ALLEGED VIOLATION

OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).	
☐ Operator failed to mark or clear underground facility within locate period.	☐ Operator failed to mark underground facility within 24 inches horizontally.
EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).	
☐ Excavation started prior to underground facility locate.	☒ Excavator failed to provide locate notice prior to beginning excavation.
☐ Excavator failed to conduct the excavation in a careful and prudent manner.	☐ Excavator failed to renew locate request prior to expiration of the 21-day period.
OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.	
☐ Write Issue/Concern: _____	

SECTION IV – DESCRIPTION/DAMAGE

Date and Time of Event 7/24/25 12:45pm	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) South of 60th St NW west of 109th Ave NW near Ray ND	One-Call Ticket Number N/A
Underground Facility Affected ☐ Electric ☒ Gas ☐ Cable ☐ Communications ☐ Water ☐ Sewer/Storm Water ☒ Petroleum ☐ Other _____		
Material & Size of Underground Facility (Poly, Steel, Coated Pipe / Fiberoptic / 2 KW / 1.5 in, 2 in / etc.) Steel 20" HP Natural Gas pipeline/Steel 8" HP Crude Oil pipeline		Operator(s) Affected Kinder Morgan Hiland
Estimated Value of Damage N/A	Injuries (List Number, If Any) 0 Fatalities 0 Injuries 0 Hospitalizations	Number of Customers Affected 0
Description of the alleged violation/concern. If more space is required, attach additional page(s). Contractor failed to call in a One Call locate request prior to excavation to construct a fence using T posts and H braces across 2 KM owned pipelines. One Call was placed for fence work by the landowner, but it was not valid at the time of the work, it was not in the correct area the fence work was performed, and the landowner was not on site performing the work.		

SECTION V – SIGNATURE OF COMPLAINANT

Signature 	Printed Name Ryan Farmer	Date 7/29/25
---------------	-----------------------------	-----------------

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