

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: September 10, 2026

RE: North Dakota One-Call Complaint
Case No. DM-25-230

On July 29, 2025, the Commission received a North Dakota One-Call complaint from Kinder Morgan alleging that H & H Fencing LLC (H & H) violated N.D.C.C. Chapter 49-23, the One-Call Excavation Notice System, by failing to provide an excavation notice before the installation of a fence using "T" posts and "H" braces across two Kinder Morgan-owned pipelines.

Staff investigated the complaint and reviewed the available North Dakota One-Call records, H & H's response, and information obtained through subsequent discussions with H & H.

Based on the information obtained during the investigation, Staff understands the landowner, rather than H & H, installed the "T" posts and "H" braces in the area of the Kinder Morgan pipelines. H & H was subsequently contracted by the landowner to string the barbed wire between the posts. Staff did not identify evidence establishing that H & H performed or directed the installation of the posts or braces or otherwise conducted the excavation activity that was the subject of the complaint.

N.D.C.C. § 49-23-04 requires an excavator to provide an excavation or location notice before beginning excavation, except in an emergency. Based on the information available to Staff, the evidence does not establish that H & H was the excavator responsible for the activity requiring notice or that H & H otherwise violated Chapter 49-23.

Accordingly, Staff finds insufficient evidence to establish a violation of N.D.C.C. Chapter 49-23 by H & H.

Staff therefore recommends the Commission take no further action regarding the complaint and close Case No. DM-25-230.