

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: August 17, 2026

RE: ND One-Call Complaint
Case No. DM-25-272

On October 20, 2025, the Commission received a North Dakota One-Call complaint from Pembina Cochin LLC (Pembina), alleging that on August 27, 2025, Oscar Renda Contracting, Inc. (Renda Contracting) violated N.D.C.C. Chapter 49-23, the One-Call Excavation Notice System, by beginning excavation within Pembina's right-of-way without a Pembina representative onsite.

Staff investigated the complaint and reviewed the applicable North Dakota One-Call records. Staff determined that Renda Contracting had a valid North Dakota One-Call ticket, Ticket No. 25110569, for the excavation with a Work to Begin Date of August 27, 2025, and an Expiration Date of September 17, 2025.

Staff further determined that Pembina completed its locate of the underground facility on August 25, 2025, prior to Renda Contracting commencing excavation on August 27, 2025. The One-Call ticket remained valid at the time Renda Contracting commenced excavation.

Staff found no evidence that Renda Contracting failed to comply with the applicable excavation requirements of N.D.C.C. Chapter 49-23.

N.D.C.C. § 49-23-04 addresses excavation requirements, including when an excavator may begin excavation after the underground facilities have been located or cleared. N.D.C.C. § 49-23-05 establishes precautions an excavator must take to avoid damage to underground facilities. Staff found no provision in N.D.C.C. Chapter 49-23 requiring an underground facility operator to have a representative physically present during excavation within the operator's right-of-way when the excavator has satisfied the applicable requirements of Chapter 49-23.

Staff further determined the excavation did not result in damage to Pembina's pipeline.

Based on its investigation, Staff finds insufficient evidence to establish that Renda Contracting violated N.D.C.C. Chapter 49-23. Renda Contracting had a valid One-Call ticket, Pembina completed its locate prior to Renda Contracting commencing excavation, and Staff found no evidence that Renda Contracting otherwise failed to comply with the applicable requirements of Chapter 49-23. The absence of a Pembina representative onsite, standing alone, does not establish a violation of Chapter 49-23 under these circumstances.

Accordingly, Staff does not intend to file a formal complaint and recommends the Commission take no further action and close the case.