

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 No. DM-25-293

On November 10, 2025, the Commission received a North Dakota One-Call complaint from Prairie Heights, LLC (Prairie), alleging that Extreme Underground HDD LLC (Extreme) violated N.D.C.C. Chapter 49-23, the One-Call Excavation Notice System, by failing to conduct excavation in a careful and prudent manner.

The complainant alleges that, during a horizontal directional drilling operation in August 2023, Extreme bored through an 8-inch PVC sewer line serving an apartment complex owned by Prairie. Prairie further alleges it did not become aware of the damage until August 2025, when it was contacted by a representative of the City of Watford City.

Staff investigated the complaint. Although a sewer line falls within the definition of an "underground facility" under N.D.C.C. § 49-23-01(18), the statute expressly excludes "[p]rivately owned and operated underground facilities which do not extend beyond the boundary of the private property." In addition, N.D.C.C. § 49-23-01(15) provides that a person is not considered an operator solely because the person is an owner or tenant of real property where underground facilities are located if the underground facilities are used exclusively to furnish services or commodities on that property.

Staff also confirmed that, within the City of Watford City, sewer service laterals are considered privately owned, and the City does not locate those facilities through their One-Call system. Based on the information obtained during the investigation, the sewer line at issue is a privately owned facility that is not subject to the requirements 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.