



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

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

**RESPONSE REQUIRED BY
October 2, 2026**

September 11, 2026

Lonnie Kern
BEK Consulting, LLC
PO Box 1010
Dickinson, ND 58602-1010

Steve Vogel
BEK Consulting, LLC
PO Box 1010
Dickinson, ND 58602-1010

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 BEK Consulting, LLC received by the North Dakota Public Service Commission (Commission) on September 3, 2026, from Montana-Dakota Utilities Co., Bismarck, North Dakota, Case Number DM-26-307. 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 October 2, 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 BEK Consulting, 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) Montana Dakota Utilities			
Contact Person Melissa Hansen	Email Address melissa.hansen@mdu.com	Telephone Number 701-389-4075	
Mailing Address 400 N 4th St	City Bismarck	State ND	Zip Code 58504
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) BEK			
Contact Person Steve Vogel - 701-690-1445	Email Address bekconsulting@yahoo.com	Telephone Number 701-483-9235	
Mailing Address PO Box 1010, 3180 Hwy 22 N	City Dickinson	State ND	Zip Code 58602

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 08-12-2026 around 12:00 PM	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) Main St/61st St NW, Wheelock TWP ND	One-Call Ticket Number 26102315
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.) 1" coated steel service, 2" coated steel main		Operator(s) Affected MDU - Near Miss
Estimated Value of Damage This was a near miss	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). Upon arrival, MDU Utility Locator noted BEK was digging. Locator talked to the foreman and informed him his ticket hadn't been completed yet. Foreman responded "there's flags across the street." Locator informed him there was a service and main on this side and he became upset and repeated there were flags across the street. Locator asked foreman for his name. Foreman told locator it didn't matter. Locator took photos and then located the service, main, and stub. Locator stated the excavation was no more than 6 feet away from MDU facilities once the locate was complete. Site photos attached. (Respondent contact name noted above is the primary contact from the locate request)		

SECTION V – SIGNATURE OF COMPLAINANT

Signature 	Printed Name Shawe Homiston	Date 7-1-2026
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Please email the completed form to ndpsc@nd.gov, fax to 701-328-2410, or mail to: Public Service Commission

Bauske, Shelly A.

From: nd@occinc.com
Sent: Friday, August 21, 2026 9:24 AM
To: Hansen, Melissa
Subject: Ticket-26102315

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

North Dakota One Call

Ticket No:	26102315	LORQ ROUTINE
Original Call Date:	08/10/26 01:21 pm	
Work to Begin Date:	08/13/26 12:01 am	
Expiration Date:	09/03/26 12:01 am	
Caller Information		
Company Name:	BEK CONSULTING	
Contact Name:	BRIAR VOGEL	Phone: (701)690-0468
Alt. Contact:	STEVE VOGEL CALL FIRST	Alt. Phone: (701)690-1445
Caller Address:	913 38TH AVE. 38TH AVE E. P.O BOX 1010 DICKINSON, ND 58601	Caller ID: 21252
Email Address:	bekconsulting@yahoo.com	

Dig Site Information

Type of Work:	INSTALL WATER MAIN & SERVICES	
Work Being Done For:	WAWSA	
White Lining/Site Identification:	OTHER	
Depth: 9FT	Explosives: N	Tunneling/Boring: Y

Dig Site Location

County:	WILLIAMS	Place:	WHEELLOCK TWP
City Limits:	N		
Address:			
Street:	MAIN ST		

Intersecting Street: 61ST ST NW

Location of Work:

MARKING INSTRUCTIONS: MARK 25 FT EITHER SIDE OF THE STAKED ROUTE - PINK STAKES. MARK FOLLOWING THE ROUTE E FOR 44 FT, THEN WNW 11 FT, THEN E 16 FT. GOOGLE DRIVING DIRECTIONS: FROM THE INTERSECTION OF MAIN ST AND 61ST ST NW, HEAD SOUTH ON MAIN ST FOR 187 FT. TURN LEFT FOR 29 FT HEAD S FOR 1 FT TO THE BEGINNING OF THE ROUTE.

Remarks:

Caller Twp:	156N	Rng:	98W	Sect-Qtr:	35-NW		
Map Twp:	156N	Rng:	98W	Sect-Qtr:	35-NW		
Map Coord NW Lat:	48.2985530	Lon:	-103.2538277	SE Lat:	48.2983918	Lon:	-103.2534022

MEMBERS:

District	Company Name	Status
CENEX10C	CENEX PIPELINE-N.D.	Clear/No conflict (Please call Nathan Washek (701)240-6493 if scope of work changes)
MDU12	MONTANA-DAKOTA UTILITIES	Marked
NWCOMM02	NORTHWEST COMMUNICATIONS COOP	Clear/No conflict
WMSRW01	NORTHWEST RURAL WATER DIST	Marked





























