

Bauske, Shelly A.

From: Brady Carpenter <bradycarpenter413@gmail.com>
Sent: Monday, September 14, 2026 2:54 PM
To: Bauske, Shelly A.
Cc: -Info-Public Service Commission; Crockford, Konrad S.; Ryan Schmaltz; Connie Schmidt; Carey Burke; Brady Carpenter
Subject: Re: Supplemental Information - DM-26-309 - Ticket No. 26118764

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Good Afternoon Ms. Bauske,

I am providing additional factual information for the existing record in PSC Case No. DM-26-309 concerning North Dakota One Call Ticket No. 26118764. This information supplements my September 8, 2026 complaint and the additional information filed September 9, 2026.

Today, September 14, 2026, at approximately 12:30 PM CDT, I spoke by telephone with North Dakota One Call representative Ryan Schmaltz at [\(701\) 610-1057](tel:7016101057). The call lasted approximately 25 minutes and 34 seconds.

During that conversation, Mr. Schmaltz confirmed that he did in fact contact and educate the North Prairie contact listed on Ticket No. 26118764 regarding the notification requirements associated with postponing excavation after the stated work-to-begin date and time. Mr. Schmaltz confirmed that this outreach occurred prior to the ticket's stated September 5, 2026, 12:01 AM work-to-begin date and time, and therefore prior to the time period relevant to the alleged violation identified in my complaint.

This supplements an issue I intentionally treated cautiously in my original complaint. Section 2 of that complaint included Mr. Schmaltz's September 3 email stating that he would contact North Prairie, but I expressly noted that I was not offering that correspondence as proof that North Dakota One Call had actually communicated with North Prairie. Mr. Schmaltz has now personally confirmed to me that the outreach did occur prior to the listed commencement time.

Mr. Schmaltz and I also discussed the current statutory more-than-forty-eight-hour postponement requirement. Although we may not agree regarding the usefulness or policy rationale of the current timing requirement, we agreed that the existing statutory requirement remains the law and should be followed unless and until it is changed through the legislative process.

North Dakota One Call's "ND Dig Law" page identifies legislative changes to Chapter 49-23 in 2017, 2021, 2023, and 2025. The 2017 amendments, in particular, addressed locate timing and several provisions within N.D.C.C. § 49-23-04. Despite those subsequent amendments, the Legislature did not add a Saturday, Sunday, or holiday exclusion to the separate more-than-forty-eight-hour postponement requirement in § 49-23-04(6)(f)(1), nor did it change the forty-eight-hour period itself.

Reference:

<https://ndonecall.com/nd-dig-law/>

I recognize that proposed or future legislative changes may alter this requirement. However, I respectfully ask that the Commission evaluate the alleged conduct in this case under the statutory language that was in effect when the alleged violation occurred. At that time, § 49-23-04(6)(f)(1) required notification to the notification center when excavation commencement was postponed by more than forty-eight hours after facilities had been located, without stating an exclusion for Saturdays, Sundays, or holidays.

For ease of reference, the current statutory language provides:

N.D.C.C. § 49-23-04(6)(f):

“After facilities are located by an operator, an excavator shall notify the notification center if:

(1) The excavator postpones the excavation commencement time stated in the excavation notice by more than forty-eight hours, or any extension of that period, or cancels the excavation.”

N.D.C.C. § 49-23-01(14) further defines “notification center” as:

“a center that receives notice from an excavator of planned excavation or any other request for location and transmits this notice to a participating operator.”

Accordingly, the statute specifically requires notification to the notification center when, after facilities have been located, the excavation commencement time stated in the notice is postponed by more than forty-eight hours.

As documented in my original complaint, the public Search and Status and Status History records I preserved did not reflect a postponement notification, modification, replacement notice, or other public ticket action changing the September 5, 2026, 12:01 AM stated commencement time.

I recognize that the public Search and Status system may not display every telephone call, electronic communication, or other retained communication received by the notification center. However, North Dakota One Call’s published procedures indicate that when information on an excavation notice changes, including the work-to-begin date, a MODIFY request is used and the modified ticket cancels and replaces the original excavation notice. Ticket and status information are ordinarily available through the public Search and Status system.

Accordingly, while the absence of a public modification does not by itself conclusively establish that no communication occurred with the notification center, the public record I preserved does not show the type of modified or replacement ticket that would ordinarily be expected if a change to the stated work-to-begin information had been processed through the notification center.

For that reason, I continue to respectfully request that Commission staff verify North Dakota One Call’s complete retained telephone and electronic records for Ticket No. 26118764 to determine whether any qualifying postponement notification was actually made and, if so, how that notification was processed.

I am providing this information solely to supplement the factual record concerning the preventive outreach described in Section 2 of my September 8 complaint. Mr. Schmaltz can independently confirm with Commission staff both the substance and timing of his communication with North Prairie if the Commission considers that information relevant.

No additional copy of the original complaint package is attached because the September 8 complaint and September 9 additional information are already docketed in Case No. DM-26-309.

Please docket this correspondence accordingly and acknowledge receipt of this supplement at your earliest convenience.

Thank you for your assistance. I have copied Mr. Crockford for his review upon his return.

Very respectfully,

Brady Carpenter

On Thu, Sep 10, 2026 at 10:14 AM Crockford, Konrad S. <kcrockford@nd.gov> wrote:

Received

Konrad Crockford

Director, Compliance Division

Weights & Measures • Railroad Safety • Pipeline Safety

Damage Prevention & Enforcement • Risk Management

[701.328.4097](tel:701.328.4097) • kcrockford@nd.gov • www.psc.nd.gov



From: Brady Carpenter <bradycarpenter413@gmail.com>

Sent: Wednesday, September 9, 2026 2:00 PM

To: Crockford, Konrad S. <kcrockford@nd.gov>

Cc: -Info-Public Service Commission <ndpsc@nd.gov>; Brady Carpenter <bradycarpenter413@gmail.com>

Subject: Supplemental Information - DM-26-309 - Ticket No. 26118764

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Good Afternoon Mr. Crockford,

I am providing the attached September 8, 2026 Water Alert issued by North Prairie Regional Water District as supplemental information for PSC Case No. DM-26-309, concerning North Dakota One Call Ticket No. 26118764.

The alert advises customers in the area of 47th Street North off Highway 41, extending north toward Highway 2, that they may experience intermittent low water pressure while emergency repairs are being made. This area corresponds with the vicinity of the valve-repair location identified in Ticket No. 26118764.

I identified no separate emergency One Call ticket for the September 8 repair described in the alert, while Ticket No. 26118764 remained the existing notice for the valve repair. I believe the alert may therefore be relevant to the Commission's determination of when the repair associated with Ticket No. 26118764 actually commenced and to potential customer impact.

I am not asserting a specific number of customers actually affected based solely on the alert.

Please add the attached Water Alert to the record in DM-26-309.

Please acknowledge receipt when convenient.

Thank you,

Brady Carpenter

Phone (Cell): [701-509-3350](tel:701-509-3350)

On Tue, Sep 8, 2026, 1:52 PM Crockford, Konrad S. <kcrockford@nd.gov> wrote:

Brady,

We received your one-call compliant.

Konrad Crockford

Director, Compliance Division

Weights & Measures • Railroad Safety • Pipeline Safety

Damage Prevention & Enforcement • Risk Management

[701.328.4097](tel:701.328.4097) • kcrockford@nd.gov • www.psc.nd.gov



From: Brady Carpenter <bradycarpenter413@gmail.com>
Sent: Tuesday, September 8, 2026 9:49 AM
To: Crockford, Konrad S. <kcrockford@nd.gov>
Cc: -Info-Public Service Commission <ndpsc@nd.gov>; Brady Carpenter <bradycarpenter413@gmail.com>
Subject: One Call Complaint - Ticket No. 26118764 - N.D.C.C. § 49-23-04(6)(f)(1)

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Good Morning Mr. Crockford,

Attached for filing is my North Dakota One Call complaint concerning Ticket No. 26118764 and potential noncompliance with N.D.C.C. § 49-23-04(6)(f)(1) regarding notification when the stated excavation commencement time is postponed by more than forty-eight hours.

The filing includes the completed complaint form, supporting attachment, North Dakota One Call Search and Status and Status History records, the September 3 preventive correspondence with North Dakota One Call, and timestamped/GPS-stamped photographs documenting the site condition on September 7, 2026.

As reflected in the attachment, this complaint involves a separate ticket, location, and factual chronology from my previously submitted complaint concerning Ticket No. 26108244 and should be evaluated independently.

I respectfully request that the Commission review the matter and verify North Dakota One Call's complete retained records concerning any postponement notification or other communication regarding the stated excavation commencement time.

Please confirm receipt of this complaint and its attachments when convenient.

Thank you,

Brady Carpenter

Phone (Cell): [701-509-3350](tel:701-509-3350)

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