

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

NEWS RELEASE

Thursday, December 29, 2011

Commissioners Kalk, Clark and Cramer

****For Immediate Release****

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NDPSC levees maximum fine against 811 violators

The North Dakota Public Service Commission is sending a strong message to excavators that fail to utilize the 811 “Call Before you Dig” service. At a recent meeting, the PSC approved a \$5,000 fine, which is the first time the maximum statutory fine has been assessed.

Commissioner Brian P. Kalk the portfolio holder stated, “It’s very simple, no matter who you are, no matter where you are at, you should call 811 before you dig. Why someone would jeopardize their life or risk damaging critical services such as telephone, electricity, or natural gas lines is a mystery to me. North Dakota law requires anyone digging below 12 inches to utilize “One Call.” However, it’s a good idea for everyone involved in digging to utilize this service.”

North Dakota has seen an increase in underground digging in all parts of the state, with the most dramatic growth in the Northwest where oil and gas recovery is leading a construction boom. “If a company is digging into the ground, the first call they should make before they begin is to 811. It is more than common sense, it is the law,” said Commission Chairman Tony Clark.

The PSC issued its first fine for not using the 811 service early in 2010. Since then, three other fines have been handed out ranging from \$500 dollars to the maximum of \$5,000.

“The goal of a civil penalty is not to punish, but rather to inspire compliance with the law. If the fines need to be raised to keep people safe, we may have to consider legislation to increase the cap. I’d prefer companies doing the excavation adhere to the current safety regulations and utilize the Call Before You Dig service. It is easy and saves lives,” said Commissioner Kevin Cramer.

In each of the cases, the companies involved admitted the violations, and the Commission approved stipulated settlements were the result of negotiations between the companies and the PSC advocacy staff.

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