

Scott, Sandi L.

From: Fahn, Patrick J.
Sent: Tuesday, January 10, 2006 3:00 PM
To: -Grp-PSC Commissioners; -Grp-PSC Legal; -Grp-PSC Public Utilities
Subject: Plains Pipeline- Buford Expansion

For your information:

At the end of last week, Friday I believe, I received a call from Rex Niles, who rents farmland from Clinton Filler in McKenzie County. The farmland is near the river and will be crossed by the route of the Buford Expansion, Case No. PU-05-185. Mr. Niles called to inquire about the depth of topsoil that must be removed before trenching for the pipe. I told him that topsoil must be removed to the depth where soil changes color and that could be as much as 12 inches of more. I encouraged him to work with the contractor so that the contractor would understand his concerns. He also mentioned that Plains was doing some boring and was spreading the excavated clay on top of the field. He said that some farmers want that excavated soil on the field but that he did not. Again, I encouraged him to visit with the contractor.

Mr. Niles did call back and it is my recollection that the contractor agreed to segregate a greater depth of topsoil, probably 12 inches, and agreed the subsoil excavated during boring would not be spread on the field. Concerns were resolved, I thought.

I had some other business with Dan Holli on Monday morning so I talked to him about the call from Rex Niles and the concerns that were expressed. I suggested he make sure about what was going on to be sure everything was being done correctly.

Monday afternoon I received a call from Mrs. Filler. She indicated that Plains was only removing 3-inches of topsoil and had spread excavated clay from boring operations on the field. I was shocked that Plains hadn't satisfied the landowner and I called Dan Holli. He felt the landowner was viewing the work from a distance and couldn't see that Plains was now removing enough topsoil where the pipeline trench would be dug. I asked Dan Holli to call the landowner and the renter and assure them that Plains would be taking care of the matter. I provided the telephone numbers and asked Dan Holli to call me back after making those phone calls. He called and left a message on the answering system (5:12pm) stating that he tried but couldn't reach the renter or landowner on Monday and would call Tuesday.

Tuesday morning I received a call from Dan Holli stating that he believed Plains was now removing enough topsoil but approximately 2000 feet of pipe had been buried already and the landowner's concern about 3 inches topsoil removal may have been related to the work already done. So I questioned how much topsoil was actually segregated on the 2000 feet. Dan said that Plains would take measurements and would report their findings along with a summary of the events. The report would be filed early part of next week. Dan also mentioned that Plains had placed excavated clay from boring on top of the field and stated they would remove it.

Bill and I visited with Lawrence Bender, Plains' attorney, this afternoon to let him know what was going on. Mr. Bender had already received a call from Plains. After our discussion, Mr. Bender stated he would be talking to Plains again.

I will be making a visit to the construction site, soon.

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