

**Fahn, Patrick J.**

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**To:** -Grp-PSC Commissioners  
**Subject:** Rangeland November 24 3rd Party Damage Notification  
**Attachments:** Patrick Fahn.vcf

On November 24, 2011, Rangeland Pipeline, LLC reported to the Commission that on November 24, 2011, its excavator, LO-N-BRO, had impacted a 3-inch crude oil pipeline owned by Amerada Hess. No product was released. Rangeland did suspend construction and contact Hess.

The Commission's order in Case No. PU-10-637 includes the following provision:

Rangeland shall notify the Commission, as soon as reasonably possible, if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Rangeland shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined and clearance to proceed has been given by the Commission or Commission staff.

Rangeland provided certain information regarding its requests to the North Dakota One Call System to locate underground facilities.

Since this incident involves a pipeline, I tasked Bob Bachmeier to confirm compliance with One Call law. Bob's November 28, 2011 memorandum (docket #91) confirms that Rangeland did comply with the One Call law. The Hess line was no longer in use and was not located. Hess will repair or take that section of the pipeline out so that Rangeland can continue with the pipeline project. Hess will not bill Rangeland for any repairs due to the damage.

Rangeland's December 1, 2011 email provides avoidance measures it is taking in the area:

- All Rangeland employees, inspectors and contractors, have been informed and are aware that in certain areas to expect possible unmarked utilities in addition to those identified.
- Discussions with 3<sup>rd</sup> party operators conducted identifying areas of concern.
- All known and impacted utility crossings in the area have been hydro-excavated, a safer but more costly approach to trenching.
- Open communication with Hess on where we are digging and what potentially to expect.
- Hess representatives have been onsite during excavations in certain areas to help limit damage.
- Pace of excavation has slowed as equipment operators take additional caution knowing there could be an unmarked utility.
- Horizontal directional drills, HDDs, are occurring in some areas of heavy 3<sup>rd</sup> party utility crossings to place the line below known, and potentially unknown, crossings without having to trench.

Unless I hear otherwise from a Commissioner by Thursday noon, December 7, 2011, I plan to notify Rangeland that construction in the area of the damage may proceed.

**Patrick Fahn**

Director  
Compliance and Competitive Markets

North Dakota Public Service Commission  
600 E Boulevard Ave, Dept. 408  
Bismarck ND 58505-0480  
(701) 328-4077 Work  
(701) 328-2410 Fax  
pfahn@nd.gov