



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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January 12, 2012

Dennis Shores  
Shores Companies Inc.  
14260 Berg Rd. NW  
Evansville, MN 56326

Re: Third Party Damage Complaint

Dear Mr. Shores:

Enclosed is a copy of a Third Party Damage Complaint against Shores Companies Inc. (Shores) received by the North Dakota Public Service Commission (Commission) on December 19, 2011 from Belle Fourche Pipeline. The location of the damage was latitude 46.861682, longitude 102.777614. We determined this location is in Stark County, Township 139N, Range 96W, Section 10, SW and SE quarters, section 15, NW and NE quarters near Dickinson, North Dakota.

Please respond to the Commission **by February 3, 2012**, with your written account of the event. Your response, the complaint, and other available information will be reviewed to determine whether Commission staff will file a formal complaint.

Your response should also address the following criteria used to determine the amount of civil penalty, if any, to be recommended by Commission staff as part of a formal complaint:

- a) The nature, circumstances and severity of the complaint;
- b) The degree of suspected fault on the part of the Shores;
- c) Shore's history of prior violations or complaints;
- d) Shore's ability to pay;
- e) Any good faith effort by Shores in attempting to achieve compliance; and
- f) The effect the penalty may have on Shore's ability to continue in business.

North Dakota Century Code section 49-07-01.1 provides for a civil penalty not to exceed five thousand dollars for violations of the One Call law.

If you have any questions please call me at 701-328-4077 or e-mail to [pfahn@nd.gov](mailto:pfahn@nd.gov).

Best regards,

Patrick Fahn  
Director, Compliance and Competitive Markets



### THIRD PARTY DAMAGE COMPLAINT

Public Service Commission  
SFN 59067 (12-11)

#### PART A – WHO IS SUBMITTING THIS COMPLAINT

Information Being Submitted By <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Company*	Company/Organization Belle Fourche Pipeline Co.	Person Filing Information Ken Dockweiler	Position DOT Compliance Supervisor	
Address of Person Filing Information PO Box 2860	City Casper		State WY	Zip Code 82602
Telephone Number 307-266-0275	Email Address ken.dockweiler@truecos.com		Date 12/19/11	

#### PART B – WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

Name of Excavator Dennis Shores - Shores Companies Inc.		Telephone Number 320-815-8557 (mobile), 218-948-2059 (office)	
Address 14260 Berg Rd. NW	City Evansville	State MN	Zip Code 56326
Name of Entity for Which Excavation Was Performed KLD Trucking		Telephone Number 701-290-1862	
Address	City Dickinson	State ND	Zip Code 58601

#### PART C – DATE AND LOCATION OF THE EVENT

Date of Event 11/13/2011	Address of the Excavation and/or Damage Lat. 46.861682, Long. -102.777614		
County Stark	City Dickinson	State ND	Zip Code 58601

#### PART D – FACILITY INVOLVED

Type of Facility Involved Crude Oil Pipeline	Operator of Facility and Contact Person (if known) Belle Fourche Pipeline - Ken Dockweiler		
Address PO Box 2860	City Casper	State WY	Zip Code 82602
Telephone Number 307-266-0275	Email Address (if known) ken.dockweiler@truecos.com		
Brief Description of Facility Involved 6" Steel Crude Oil Gathering Line			

**PART E – DAMAGE (if applicable)**

Fatalities 0	Injuries 0	Length of Hospitalization, If Applicable n/a
Estimated Value of Property Damage: \$ 32,000		Number of Customers Affected 0
Damaged Within <input type="checkbox"/> Public Property <input checked="" type="checkbox"/> Private Property		Photos of Damaged Facility <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please include copies)

**PART F – EXCAVATION**

Was a locate requested from North Dakota One-Call?	
<input checked="" type="checkbox"/> Yes    Locate Ticket Number <input type="text" value="11133777"/>	Start Date on Ticket <input type="text" value="10/18/2011"/>
<input type="checkbox"/> No <input type="checkbox"/> Unknown	
Did excavator wait until the start date/time on the ticket before commencing excavation?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input checked="" type="checkbox"/> N/A	
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A	

**PART G – MARKING**

Were facilities marked?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Were utility/facility marks visible in the area of excavation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Were the utility/facilities marked correctly?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Was the marking complete prior to the start time on the ticket?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Did the excavator pre-mark with white paint?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Was the facility marked accurately within 24 inches horizontally?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Did the excavator use reasonable care to maintain locate marks for the life of project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A

**PART H – DESCRIPTION OF EVENT**

<p><b>Description of Event</b></p> <p>Contractor originally called one-call on 10/14 and Belle Fourche Pipeline located with pin flags the location of the facility. Belle Fourche asked to be on site during excavation and asked on multiple occasions for a meet time. Contractor did not respond and did not begin digging until after the initial locate request had expired. On Sunday November 13th, while digging to install sewer lines, contractor compromised the Belle Fourche oil gathering pipeline spilling about 200 Barrels of crude into ditch and contaminating surrounding soils. An update excavation notice was not executed until November 16th (ticket #11155260).</p>
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<b>Description of Event Continued</b>
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**PART I – SIGNATURE**

Signature of Person Filing Complaint Kenneth D. Dockweiler	Date 12/20/2011
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Please include additional documents and photos, if applicable.

**\*If you are filing on behalf of a company, please provide information supporting your authority to file this complaint.**

Send Completed, Original Complaint To:  
Public Service Commission  
600 E Boulevard Ave Dept 408  
Bismarck ND 58505-0480  
Telephone: (701) 328-2400











