



Belle Fourche Pipeline Co.
PO Drawer 2360
Casper WY 82602

July 9, 2012

RECEIVED

JUL 13 2012

PUBLIC SERVICE COMMISSION

Christopher Marohl
Public Utility Analyst
North Dakota Public Service Commission
600 East Boulevard
Bismarck ND 58505

RE: Third Party Damage Complaint – GS-12-31

Dear Mr. Marohl,

Belle Fourche appreciates the opportunity to respond and makes the following additional comments regarding the event.

As noted in the original compliant Shores Companies Inc. (“Shores”) made its original locate request for the excavation in question on Friday afternoon October 14th. The one-call ticket shows that it came in at 3:24 p.m. Our employee’s notes show that he was on the ground early Monday morning (October 17, 2011) to perform the line location by placing pin flags along the path of our facility. After placing the pin flags he placed a call to Shores, and talked to, Dennis Shores to request a meeting as there was some concern regarding the closeness of the dig and to let them know that we would need to be present when the digging took place. In fact, our employee’s phone records show that he placed that call at 9:30 a.m. Monday morning October 17, 2011. During the conversation it was agreed that the parties would meet on site at 2:00 p.m. that afternoon. Our employee showed up at the agreed upon time and spent an hour waiting for a Shores representative to show up until he had to go about his other job responsibilities.

Shores never called again or attempted any other communication in order to have a Belle Fourche representative on site and, as a result, Shores struck the Belle Fourche line on November 13, 2011.

Shores alleges in its response that Belle Fourche Pipeline markings were non-existent except for a permanent marker that had been compromised by another third parties’ action. There is a reason that North Dakota law in 49-23-04(3)(g) allows an excavator 10 days within which to use a location request, which period Shores **violated** by some 16 days. One of those reasons is that the life expectancy of temporary markings can vary greatly based on the activity levels in the area as well as weather conditions. We would agree that almost 30 days later there were very few temporary flags still visible, in fact our employee in responding to the spill notes that only two flags were still visible. With only two flags still visible, Shores should have complied with Section 49-23-04 3.f. (2), which requires the excavator to notify the notification center when “markings have been obliterated or obscured....”

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Note also that Shores failed to comply with Section 49-23-04 3. f.(1) because it did not notify the notification center when it postponed the excavation by more than forty-eight hours, because it postponed its excavation until November 13.

In addition, Shores states in its response that one of Belle Fourche's permanent markers had been covered by a third party, which means that Shores thought that there was some additional excavation being done in the general vicinity. Anytime there is excavation in the area there is risk that temporary markings can be compromised. For that reason North Dakota law in 49-23-04(3)(f)(4) requires that excavators notify the notification center if "the site shows evidence of recent excavation". We have found no evidence that this required notification was made by Shores.

Later in their response Shores also alleges that based on our markings one of the manholes on the project had to be moved due to inaccurate locations on our part. However, while this claim of "inaccurate locating" is inconsistent with their claim that Belle Fourche "failed to mark", Shores did not strike the Belle Fourche line because of this. In fact, the manhole relocation was at Belle Fourche's request after the line strike and was clearly not a factor in the line strike itself.

Shores further alleges that they have made additional one-call requests but that Belle Fourche Pipeline has not yet placed any flags for these later requests. First of all, this allegation is not relevant to Shores' line strike. Even if that were a correct statement, what is not stated is that the line location request is for an area east of our facilities and as such no flags are necessary. According to the locate request the area to be excavated includes the road right of way along 8th Ave SE for 1500 ft. North of 8th St. SE including a 250' radius of the intersection. Belle Fourche Pipeline facilities lay nearly 700' east of the referenced intersection, so any excavation by Shores in the area it designated would not affect the Belle Fourche line. Accordingly, based on the scope of excavation Shores reported it was to perform, no flagging of Belle Fourche Pipeline facilities was necessary.

Belle Fourche Pipeline looks forward to resolution of this issue and we stand ready to provide answers to any additional question the North Dakota PSC may have in this regard.

Sincerely,



Ken Dockweiler
DOT Compliance Supervisor

CC: Tad True
Manuel Lojo