



Public Service Commission

State of North Dakota

COMMISSIONERS

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February 9, 2012

Will Reedy
Summit Energy Services
P.O. Box 4440
Williston, North Dakota 58802-4440

Re: Third Party Damage Complaint

Dear Mr. Reedy:

Enclosed is a copy of a Third Party Damage Complaint against Summit Energy Services (Summit) received by the North Dakota Public Service Commission (Commission) on February 1, 2012 from Belle Fourche Pipeline. The location of the damage was latitude 47.674117, longitude -103.659979, in McKenzie County, near Alexander, North Dakota.

Please respond to the Commission **by March 2, 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 excavator;
- c) Excavator's history of prior violations or complaints;
- d) Excavator's ability to pay;
- e) Any good faith effort by the excavator in attempting to achieve compliance; and
- f) The effect the penalty may have on the excavator'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.

Best regards,

Patrick Fahh
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	Person Filing Information Ken Dockweiler	Position DOT Compliance Supervisor	
Address of Person Filing Information PO Box 2360	City Casper		State WY	Zip Code 82602
Telephone Number 307-266-0275	Email Address ken.dockweiler@truecos.com		Date 01/30/2012	

PART B – WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

Name of Excavator Summit Energy		Telephone Number 701-572-6748	
Address PO Box 4440	City Williston	State ND	Zip Code 58802
Name of Entity for Which Excavation Was Performed Unknown		Telephone Number	
Address	City	State	Zip Code

PART C – DATE AND LOCATION OF THE EVENT

Date of Event 12/09/2011	Address of the Excavation and/or Damage Lat. 47.674117, Long. -103.659979		
County McKenzie	City Alexander	State ND	Zip Code 58831

PART D – FACILITY INVOLVED

Type of Facility Involved Crude Oil Transmission Line	Operator of Facility and Contact Person (if known) Belle Fourche Pipeline Company		
Address PO Box 2360	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 8" Steel Crude Oil Transmission Pipeline			

PART E – DAMAGE (if applicable)

Fatalities 0	Injuries 0	Length of Hospitalization, If Applicable N/A
Estimated Value of Property Damage: \$ Total Costs to date \$6054.15		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?
 Yes Locate Ticket Number Start Date on Ticket
 No
 Unknown

Did excavator wait until the start date/time on the ticket before commencing excavation?
 Yes No Unknown N/A

Were buried facilities exposed by hand or non-invasive equipment prior to excavation?
 Yes No Unknown N/A

PART G – MARKING

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

PART H – DESCRIPTION OF EVENT

Description of Event

Excavator damaged pipeline while exploring for scoria in the field. Damage went undetected for several weeks before local resident noticed oil on the surface. Summit has been working with Belle Fourche and the ND Department of Health on remediation.

After Belle Fourche arrived on the scene and Summit had been informed of the damage they were again observed exploring for scoria in the same vicinity without a locate. They reported to Belle Fourche that the "landowner had told them there was nothing in that area"

Much of the remediation is being billed directly to Summit so Belle Fourche has not and will not see the totals on damage and remediation.

Description of Event Continued

[Empty box for description of event]

PART I – SIGNATURE

Signature of Person Filing Complaint Kenneth D Dockweiler	Date 01/31/2012
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Please include additional documents and photos, if applicable.

***If you are filling 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





