

APPROVED

DATE: 2-29-12



**MOTION**

**February 29, 2012**

**Bear Paw Energy, LLC  
Garden Creek to Riverview NGL Pipeline – McKenzie  
County  
Siting Application**

**Case No. PU-11-66**

I move the Commission execute a contract with Keitu Engineers & Consultants, Inc. for construction inspection services concerning Bear Paw Energy, LLC's construction of a 10-inch natural gas liquids pipeline located in McKenzie County, North Dakota, Case No. PU-11-66.

PJF

Will Reedy  
4952 Hwy 85  
Suite 12  
Williston, ND 58801  
February 28, 2012



**RECEIVED**

MAR 01 2012

Patrick Fahn  
600 East Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
701.328.2400

**PUBLIC SERVICE COMMISSION**

Dear Mr. Fahn,

This letter is in response to the "Third Party Damage Complaint" dated February 9<sup>th</sup>. Summit Energy Services (SES) does not dispute the claim that a Belle Fourche pipeline was struck by a SES excavator. A SES operator was exploring for scoria with local landowner Milt Madison without a one call and unknowingly struck the line. SES has been onsite since being notified and working with the ND Department of Health under the supervision of Kris Roberts to remediate the resulting oil spill.

SES does dispute the claim that "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." Since the time of the incident SES has one called the property in question three times (ticket numbers 11164211, 11165885, 12006585). SES has not explored for scoria on the location since the time of the incident. I believe this was confused with our operator excavating top soil as part of the reclamation of the spill area located on one-call ticket #11165885.

SES has never had a violation prior to this incident. SES has also never had a general liability claim prior to this. SES does have insurance coverage for this incident and will complete the clean up as required by the ND Department of Health and applicable laws.

SES has implemented "One Call" training for all field employees since the time of the incident to prevent any future incidents of this kind.

If you have any further question regarding this incident please do not hesitate to contact me.

Sincerely,

Will Reedy  
Chief Operating Officer  
Summit Energy Services LLC

3 **GS-12-55** Filed: 3/1/2012 Pages: 5  
**Response to informal third party damage complaint**

Summit Energy Services  
Will Reedy, C.O.O.

O: 701-572-6748  
F: 888-357-2376

322 Main St. Ste. 12  
Williston, ND 58801

P.O. Box 4440  
Williston, ND 58802



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Tony Clark  
Brian P. Kalk  
Kevin Cramer

Executive Secretary  
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Fax: 701-328-2410  
TDD: 800-366-6888 or 711

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](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	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 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