



Public Service Commission

State of North Dakota

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February 14, 2012

Ron Marsh
Pro Pipe Corporation
P.O. Box 307
Frenchtown, MT 59834-0307

Re: Third Party Damage Complaint

Dear Mr. Marsh:

Enclosed is a copy of a Third Party Damage Complaint against Pro Pipe Corporation, received by the North Dakota Public Service Commission on February 1, 2012, from Belle Fourche Pipeline. The location of the damage was latitude 47.907398, longitude -103.650568. We determined this location is in McKenzie County, Township 151N, Range 101W, Section 7, near Alexander, North Dakota.

Please respond to the Commission by **March 6, 2012**, with your written account of the event. Your response, along with the complaint, and other available information, will be reviewed to determine whether Commission staff will file a formal complaint.

Your written 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 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 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 Pro-Pipe Services, Inc			Telephone Number 406-626-5633		
Address PO Box 307		City Frenchtown	State MT	Zip Code 59834	
Name of Entity for Which Excavation Was Performed Brigham Exploration			Telephone Number 701-875-3501		
Address 14649 Brigham Drive		City Williston	State ND	Zip Code 58801	

PART C – DATE AND LOCATION OF THE EVENT

Date of Event 12/06/2011	Address of the Excavation and/or Damage Lat. 47.907398, Long. -103.650568		
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 \$6972.29		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 11131708 <input type="checkbox"/> No <input type="checkbox"/> Unknown	Start Date on Ticket 10/14/2011
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 type="checkbox"/> No <input checked="" 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 type="checkbox"/> No	<input checked="" 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 type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown	<input type="checkbox"/> N/A

PART H – DESCRIPTION OF EVENT

<p>Description of Event</p> <p>Excavator Damaged Pipeline while crossing ROW with other facilities Excavator had successfully crossed facilities with water line but damaged 8" pipeline while installing the crude line. An update ticket had been called in, but both the original and the update had expired before the damage occurred.</p>

Description of Event Continued

[Empty box for description of event]

PART I – SIGNATURE

Signature of Person Filing Complaint Kenneth D Dockweiler	Date 01/30/2012
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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







