THIRD PARTY DAMAGE COMPLAINT

Public Service Commission
SFN 59067 (11-12)

PART A – WHO IS SUBMITTING THIS COMPLAINT

Information Being Submitted By	Company/Organization	Person Filing Information	Position
☐ Individual ☑ Company*	North Dakota Public Service Commission	Aaron Morman	State Natural Gas Pipeline Safety Inspector/Program Manager

Address of Person Filing Information	City	State	Zip Code
12th Floor, Dept 408 600 E. Boulevard Ave	Bismarck	ND	58505-0480

Telephone Number	Email Address	Date
701-220-5779 cell 7-1-328-4077 office	aarmorman@nd.gov	March 8, 2013

PART B – WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

Name of Excavator		Telephone Number	
Phillips and Jordan, Incorporated		865-688-8342 Steve Thompson	
Address	**City**	**State**	**Zip Code**
6621 Wilbanks RD	Knoxville	TN	37912-1314
Name of Entity for Which Excavation Was Performed		**Telephone Number**	
Address	**City**	**State**	**Zip Code**

PART C – TIME AND LOCATION OF THE EVENT

Date and Time of Event	Address of the Excavation and/or Damage		
1/26/3013, 10:10 AM CST	3.5 miles East of Alexander, ND SW 1/4 of Section 35 T151N R101W		
County	**City**	**State**	**Zip Code**
McKenzie	Alexander	ND	58831

PART D – FACILITY INVOLVED

Type of Facility Involved	Operator of Facility and Contact Person (if known)		
Natural Gas Transmission Pipeline	WBI Energy Transmission, Inc.		
Address	**City**	**State**	**Zip Code**
1250 W. Century Ave, P.O. Box 5601	Bismarck	ND	58506-5601
Telephone Number	**Email Address (if known)**		
701-530-1600	kent.kahl@wbienergy.com		

Brief Description of Facility Involved

WBI Energy Transmission, Inc. (WBI) 4" Steel High Pressure Watford City Lateral Natural Gas Transmission pipeline located 3.5 miles East of Alexander, ND.

PART E – DAMAGE (if applicable)

Fatalities	Injuries	Length of Hospitalization, If Applicable
0	0	N/A
Estimated Value of Property Damage: $ See Damage Estimate Values in Part H, Description of Events		Number of Customers Affected 1000
Damaged Within ☐ Public Property ☑ Private Property		Photos of Damaged Facility ☐ Yes ☑ No (If yes, please include copies)

PART F – EXCAVATION

Was a locate requested from North Dakota One-Call?

☑ Yes Locate Ticket Number 13004270 Start Date on Ticket 1/23/2013
☐ 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?	☑ Yes	☐ No	☐ Unknown	☐ N/A
Were utility/facility marks visible in the area of excavation?	☑ Yes	☐ No	☐ Unknown	☐ N/A
Were the utility/facilities marked correctly?	☑ Yes	☐ No	☐ Unknown	☐ N/A
Was the marking complete prior to the start time on the ticket?	☑ Yes	☐ No	☐ Unknown	☐ N/A
Did the excavator pre-mark with white paint?	☑ Yes	☐ No	☐ Unknown	☐ N/A
Was the facility marked accurately within 24 inches horizontally?	☑ Yes	☐ No	☐ Unknown	☐ N/A
Did the excavator use reasonable care to maintain locate marks for the life of project?	☐ Yes	☐ No	☑ Unknown	☐ N/A

PART H – DESCRIPTION OF EVENT

Description of Event

I received a phone call from Kent Kahl, D.O.T. Compliance Supervisor for WBI Energy Transmission, Inc. (WBI) on January 26, 2013 at 2:10 PM CST, to report that WBI's 4" Watford City Lateral Transmission pipeline had been damaged by the excavation contractor Phillips and Jordan, Incorporated. (Phillips and Jordan)

The contractor was performing excavation work in the vicinity of WBI's pipeline using a bulldozer with ripping spikes when they damaged the pipeline which resulted in the release of natural gas and the loss of natural gas service to an estimated 1000 residential and commercial customers in the towns of Watford City, Arnegaard, and Alexander, ND.

There was a One-Call ticket, #13004270, in effect. The contractor was performing excavation activities directly over the Natural Gas transmission line and according to Kent Kahl of WBI, the contractor had not exposed the line prior to hitting the line.

Description of Event Continued

According to the North Dakota One-Call Excavation Notice System, Chapter 49-23-05, paragraph 5, the contractor did not conduct the excavation in a careful and prudent manner by not exposing the facility prior to excavating above it. The contractor notified the operator, WBI, as soon as was reasonably possible and took immediate action to protect the public and property and to minimize the hazard until arrival of the operator's personnel.

WBI dispatched personnel to the damaged line site to isolate and shutdown the pipeline for repairs. The Local Distribution Company (LDC) was also dispatched to shut off gas services to the affected properties and customers prior to reestablishing natural gas service when the transmission line repairs were completed and the transmission line was put back into service. The transmission line repairs were started at 2:45 PM and completed at 7:05 PM on January 26, 2013. The LDC restored service to most of it's customers at about 9:45 AM on January 27, 2013 with the last 5 customers remaining at about 5:30 PM on January 28, 2013. To date, the estimated expense incurred by this incident to WBI is $16,600.00 (not including loss of gas), and by the LDC is $164,040.33. The cost totals for WBI and the LDC are not finalized and no payments have been received from the contractor by WBI or the LDC as of this date.

According to the North Dakota One-Call Excavation Notice System, Chapter 49-23-06, Damage to Facilities-Penalty, Paragraph 2a, "If an excavator fails to comply with this chapter or damages an underground facility, the excavator is liable for all damages caused by the failure to comply with this chapter and for all damages to the facilities and must reimburse the operator for the cost of repair and restoration, loss of product, and interruption of service occurring because of the damage or injuries to the facilities, together with reasonable costs and expenses of suit, including reasonable attorney fees."

PART I – SIGNATURE

Signature of Person Filing Complaint	Date
Aaron A Morrow	3/8/2013

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

Email to the Commission