



Public Service Commission
State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
Julie Fedorchak

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

July 12, 2013

Mike Steffan
NORTHWEST COMMUNICATIONS COOPERATIVE
PO BOX 38
RAY, ND 58849-0038

Re: Third Party Damage Complaint

Dear Mr. Steffan::

Enclosed is a copy of a Third Party Damage Complaint against Northwest Communications Cooperative (NCC) received by the North Dakota Public Service Commission (Commission) on June 3, 2013 from Hess Corporation (Hess). The location of the damage was at 112 NW Ave and 90th St NW in Upland Township in the County of Divide in North Dakota.

Please respond to the Commission by August 5, 2013, 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 NCC;
- c) NCC's history of prior violations or complaints;
- d) NCC's ability to pay;
- e) Any good faith effort by NCC in attempting to achieve compliance; and
- f) The effect the penalty may have on NCC'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 or e-mail me at 701-220-5779 or aarmorman@nd.gov.

Best regards,

Aaron A Morman
Pipeline Safety Inspector/Program Manager

PART E – DAMAGE (if applicable)

Fatalities	Injuries	Length of Hospitalization, If Applicable
Estimated Value of Property Damage: \$		Number of Customers Affected
Damaged Within <input type="checkbox"/> Public Property <input type="checkbox"/> Private Property		Photos of Damaged Facility <input 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 <input type="checkbox"/> No <input type="checkbox"/> Unknown	Start Date on Ticket 13049563 - 5/20/2013
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 checked="" type="checkbox"/> No <input 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 checked="" type="checkbox"/> No	<input 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 checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A

PART H – DESCRIPTION OF EVENT

Description of Event Excavator was told by Hess line locator that NCC would need to hand dig and hydrovac to expose Hess line before crossing and a Hess representative would have to be on location at time of crossing. NCC stated they would do so and when Hess representative returned NCC had completed the line crossing and backfilled the trench. Hess is concerned that there is the possibility that a line may have been nick, scraped, dented or the required spacing distance between lines is not correct. NCC violated ND Underground Laws by not hand digging or exposing the line before crossing. NCC knowingly and willfully violated Hess encroachment procedures. Hess is asking the commission to respond favorably to this complaint and have NCC at their expense expose the line crossing to verify that no damage occurred. The commission is well aware of the seriousness of this offence that any small damage to the coating of the line could cause injury after corrosion has occurred. Thank you

Description of Event Continued

--	--

PART I - SIGNATURE

Signature of Person Filing Complaint	Date
Charles Columbus	6-03-2013

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