



Northwest Communications Cooperative



July 26, 2013

Public Service Commission, State of ND
Attn: Aaron A. Morman, Pipeline Safety Inspector/Program Manager
600 East Blvd., Dept. 408
Bismarck, ND 58505-0480

Re: Third Party Damage Complaint

Dear Mr. Morman:

The enclosed correspondence is to address the complaint filed against Northwest Communications Cooperative (NCC) at the location of 112 NW Ave and 90th St NW in the Upland Township in the County of Divide in North Dakota.

Included is a description of events, NCC's response to the specific complaint items on form SFN 59067, and a variety of pictures of the location.

Please inform us of any items not addressed.

Kind regards,

A handwritten signature in cursive script that reads 'Dina Edwards'.

Dina Edwards
Plant Operations Assistant

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Response to third party damage complaint

Northwest Communications Cooperative, a Cooperative
Association
Dina Edwards, Plant Ops. Assistant

Description of events by NCC Construction Supervisor, Jason Hill:

I called in one-call ticket number 13049563, on 5-16-13. Jerry with Hess called me on 5-17-13 and asked if he could locate his line on Monday, I said yes no problem it was suppose to rain that weekend and we probably would not be able to do the job until the end of the week. Jerry called me on Monday and let me know the locate had been done and asked when we were going to do it, because Hess's policy was that he be there and that we sign a crossing agreement. I told Jerry it would be towards the end week depending on the weather and when the ground dries up. I called Jerry on Friday 5-24-13 to let him know we were going to do the job that afternoon. Jerry told me he could not make it up there and would not be able to get there for 5 days. I asked if anybody else could come and he said, "No you are going to have to wait." I told Jerry that I did not think this was right, and I would like to call his boss. Jerry told me that "He was the F%#*ING BOSS!" I said alright I would get back to you and hung up.

I sent my crew up to do the job as you can see in the pictures the flags are spread out across the pipeline as they are not sure of the exact location. My crew had to vacu jet 5 feet down and 30 feet across the flags to safely cross the pipeline, and we still did not see it. The crew felt that they could continue on since you could still see the pipeline scar in the ditch and south of our crossing site. NCC put 2 feet of dirt back in the vacu-jetted area and laid the cable on top and then filled in the hole.

We filled our vacu-jet and Dave Gilland's House twice so we had enough water to vacu-jet that far.

Charles Columbus called me on Monday 5-27-13 and told me he was going to file against me with the PSC. I told him I did not feel I had to wait 5 days to do any job after a one call is good. I told Charles that I was going to call Chad Olson and talk to him about.

I called Chad Olson about the situation he told me I did not have to wait for Hess to be there, however we needed to work together. I agreed but argued that I was not the one, not working with another company. Chad told he was going to talk to Charles at the CGA supper in Minot that week and get back to me.

I called Chad Olson the day after the supper to see if we could resolve it, and to see if I should file against HESS for not being able to locate their facilities and telling NCC when we can do our work. Chad said, "Just hold off and we will see if this blows over".

6-13-13: Aaron Morman called asking what had happed with this issue.

Aaron I have attached the pictures we took after the Job you can see how the flags are not showing the exact location of the pipeline. You can also see the area where we vacu-jetted the dirt is spread wide across the ground over the pipeline. You can also see where we started and stopped plowing on each side of the pipeline crossing by the scar in the ground.

Jason K. Hill
Construction Supervisor

NCC's Response to Complaint Form SFN 59067:

NCC acknowledges that parts A through F of the Third Party Damage Complaint are correct.

NCC disputes the following items in blue:

Part G:

Were Facilities marked? YES

Were utility/facility marks visible in the area of excavation? YES

Were the utility/facilities marked correctly? NO (I emailed Aaron pictures of this on 6-13-13).

Was the marking complete prior to the start time of ticket? NO Jerry had called me and asked for another day to complete, and I said YES

Did the excavator pre-mark with white paint? YES, NCC white flags every route before calling into the One Call Center, Charles was never onsite, so this is frustrating to see he is assuming things or has been misinformed.

Was the facility marked accurately within 24 inches horizontally? NO, again HESS marked a 30 foot swath for one pipeline and I have sent Aaron the pictures.

Did the excavator use reasonable care to maintain locate marks for the life of project? YES, how would we have been able to send the PSC pictures of Hess's Flags after the project was complete if we did not take care of locate flags?

Part H:

NCC acknowledges that we needed to and performed a hydrovac of the area where HESS marked for their pipeline. NCC hydrovac'd a 30 foot long, and 5 foot deep path, across where HESS had marked. NCC then backfilled 2 feet of dirt, and laid the cable on top of the backfilled dirt. I called HESS that morning to tell them we were going to do the job. Jerry with HESS told me he could not get there for five days. I told him I could not wait that long to do this job. I asked if it would help to do job in the afternoon and Jerry said NO. I asked to talk to his boss and he told me he was THE BOSS, by using vulgar language. NO HESS REPRESENTATIVE ATTEMPTED TO BE ON SITE THAT DAY.

NCC's Stance on Complaint:

NCC does not feel that we should have to wait five days for HESS to be on-site to do a job. NCC does not feel that HESS Encroachment procedures are part of ND ONE CALL LAWS. NCC tried to work with HESS on the job, but HESS was not willing to work with us. NCC feels we have direct proof with pictures and construction reports that we did hydrovac the site, protect locate flags and did not use a contractor. All things that Charles Columbus had grasped at to make us look at fault. I have also included the pictures and original statement I emailed Aaron Morman on 6-13-13.

Jason K. Hill

Construction Supervisor















