



Public Service Commission
State of North Dakota

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August 28, 2013

Matt Rodenbough
RODENBOUGH TRUCKING AND EXCAVATING, INC.
P.O. Box 339
Surrey, ND 58785-0339

Case: GS-13-383

Re: Third Party Damage Complaint

Dear Mr. Rodenbough:

Enclosed is a copy of a Third Party Damage Complaint against RODENBOUGH TRUCKING AND EXCAVATING, INC. (Rodenbough) received by the North Dakota Public Service Commission (Commission) on June 20, 2013 from MONTANA DAKOTA UTILITIES (MDU). The location of the damage was at 1707 22nd Ave. SW in the city of Minot in the county of Ward in North Dakota.

Please respond to the Commission by **September 23, 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 Rodenbough;
- c) Rodenbough's history of prior violations or complaints;
- d) Rodenbough's ability to pay;
- e) Any good faith effort by Rodenbough in attempting to achieve compliance; and
- f) The effect the penalty may have on Rodenbough'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.

Please send or e-mail written responses to the Commission at the address above or call me at 701-220-5779.

Best regards,

Aaron A Morman
Pipeline Safety Inspector/Program Manager

C: Mike Schoepp-MDU



THIRD PARTY DAMAGE COMPLAINT
 Public Service Commission
 SFN 59067 (11-12)

PART A – WHO IS SUBMITTING THIS COMPLAINT

Information Being Submitted By <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Company*	Company/Organization Montana Dakota Utilities	Person Filing Information Mike Schoepp	Position Region Gas Superintendent	
Address of Person Filing Information PO Box 1457	City Bismarck	State ND	Zip Code 58502	
Telephone Number 701-224-5814	Email Address micheal.schoepp@mdu.com	Date 6/20/13		

PART B – WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

Name of Excavator Rodenbough Trucking and Excavating		Telephone Number 701-580-6812	
Address PO Box 339	City Surrey	State ND	Zip Code 58785
Name of Entity for Which Excavation Was Performed Longhorn Steakhouse		Telephone Number N/A	
Address 1707 22nd Ave SW	City Minot	State ND	Zip Code 58701

PART C – TIME AND LOCATION OF THE EVENT

Date and Time of Event 6/19/13 - 9:00 am	Address of the Excavation and/or Damage 1707 22nd Ave SW		
County Ward	City Minot	State ND	Zip Code 58701

PART D – FACILITY INVOLVED

Type of Facility Involved Natural Gas	Operator of Facility and Contact Person (if known) MDU and Mike Schoepp		
Address PO Box 1457	City Bismarck	State ND	Zip Code 58502
Telephone Number 701-224-5814	Email Address (if known) micheal.schoepp@mdu.com		
Brief Description of Facility Involved 2" plastic gas main			

PART E – DAMAGE (if applicable)

Fatalities none	Injuries none	Length of Hospitalization, If Applicable
Estimated Value of Property Damage: \$ \$500		Number of Customers Affected none
Damaged Within <input type="checkbox"/> Public Property <input checked="" type="checkbox"/> Private Property		Photos of Damaged Facility <input type="checkbox"/> Yes <input checked="" 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 **6/20/13 #1307798**
 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 checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input 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 checked="" 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 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

Contractor started before locate was good. They did not wait for the locate ticket to clear the 48 hours.

Description of Event Continued

PART I – SIGNATURE

Signature of Person Filing Complaint	Date
Micheal Schoepp	6/20/13

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