



Mr. Aaron Morman,

9/9/2013

My name is Jamie Longie, President of Kingdom Customs, LLC in Minot, ND. This letter is in regards to the Third Party Damage Complaint filed by Montana Dakota Utilities (Case GS-13-693) which occurred on 7/24/2013 at 3109 8<sup>th</sup> Street NE in Minot, ND.

As noted in the complaint we were excavating in the area on 23 different lots located on 8<sup>th</sup> Street NE and also Mulberry Loop NE, which is adjacent to 8<sup>th</sup>. We had all of the ND ONE Call locate tickets available in hand to insure that we were within the timelines of excavation. Care was taken to mark out each excavation point with marking paint, and to do our best to ensure the preservation of the location marks during excavation.

The nature of our job in the area was to build 23 decks on 23 different lots along 8<sup>th</sup> Street and Mulberry Loop. We were working for Bakken Contracting Co. located in Fargo, ND and have a good relationship with them concerning work we have done in the past. The complexity of this situation was increased due to the fact that all of the utilities furnishing each house were located directly under the location we needed to excavate for our 8"x4' Pier Footings. We had a skid steer with an auger attachment available to us to use, which is our normal procedure for drilling these type of footings.

Shortly after excavation began we hit MDU's gas service line. Although we were not on the locate marking, we were not outside of the 2' variance in each direction and because of which we were absolutely at fault. We should have taken care to hand dig and locate the service line before using an auger to drill the hole.

The next morning we had a safety/informational meeting about the laws and regulations involved in utility locates and the distances from the markings that we are liable for. We also discussed options for having a safer dig, and to such extent we finished the 69 footing holes required by hand digging and exposing the utility to ensure that we would not damage it.

I understand that a penalty is in case and I do not object to it. Our company is a small business and has been doing business since May of 2011. We have had no prior complaints filed against us for work that we have done, and strive to do the best, safest, and most professional work we can. We do struggle on a regular basis to meet our cash flows and a substantial fine would greatly impact our ability to pay and continue in business. Our goal has always been to be an asset and not a liability in the construction work force, and to that cause we strive for safety and the correct/proper procedures to accomplish our tasks. I assure you we have only become a safer company after this incident.

Regards,

Jamie Longie  
President  
Kingdom Customs, LLC

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**Response to third party damage complaint**

Kingdom Customs, LLC  
Jamie Longie, President