

Heartland Grading
LIC. 912694
3146 Tiger Run Ct., Ste. 116
CARLSBAD, CALIFORNIA 92010
(760) 650-3720 FAX (760) 650-3725



September 6, 2013

Public Service Commission
State of North Dakota
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

Ref: Third Party Damage Complaint
Case GS-13-75

To Whom it May Concern:

I am writing in response to the above referenced case number regarding damages to a gas line that occurred on August 12, 2013. The location of the damage was at 509 NE 40th Ave. Minot, ND.

The damage to the gas line occurred when Heartland Grading was directed to lower the grades of the previously graded parking lot that was being constructed on the site. The general contractor, MBA Construction, directed Heartland Grading to lower the grades of the parking lot in order to correct drainage deficiencies (sidewalk/curb was installed low thus creating a lack of proper drainage if a 6" curb height was to be maintained). The drainage/flowline was directed toward the open drainage ditch in the street right of way. The gas line that was clipped was the lateral off the main and was on private property and was 80ft. to 100ft. from the main.

The history of the gas line at this location is as follows:

1. Our "sub", G. Rufus Excavation, performed underground utility installation work at this address.
2. G. Rufus Excavation notified "One Call" prior to performing any excavation work at the site.
3. G. Rufus Excavation accidentally hit the line.
4. MDU repaired the damage but made no effort to lower the line (the gas line was less than 1ft. deep at this location and then dived 2 feet lower three feet away).
5. The gas line was near the existing surface grade after the 1st repair was made.
6. Heartland Grading was lowering the drainage pattern by +/- .3ft., at the direction of MBA Construction, when the gas line was hit.
7. There was no loss of life or property damage beyond the gas line repair.
8. Heartland Grading was aware of the gas line but, where Heartland potholed, the line had adequate protective cover.

Heartland Grading has no prior violations or complaints. Heartland Grading has the ability to pay the estimated repair costs of \$600.00. However, Heartland does not believe that it should be assessed for any repair costs or penalties in that the line should have been lowered to provide adequate cover when the line was hit the 1st time and it became evident that the line had inadequate cover.

Heartland Grading's policy is to call "One Call" prior to excavating in the public right of way. The work being performed was outside of the right of way with the exception of the ditch tie in. The lowering of grades by .3ft. should not have caused damage to the gas line if it had been properly installed and/or adequately repaired.

Heartland Grading will be adversely affected if penalties are assessed. Heartland is a small business and does not have the resources and/or reserves to absorb penalties for this unfortunate accident of which we believe all parties involved have some degree of culpability.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'R. Vlach', is written over the closing text.

Robert Vlach
President