



Public Service Commission
State of North Dakota

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August 16, 2013

Mr. Bob Vlach
HEARTLAND GRADING, INC
3146 Tiger Run Court, Suite 116
Carlsbad, CA 92010

CASE GS-13-735

Re: Third Party Damage Complaint

Dear Mr. Vlach :

Enclosed is a copy of a Third Party Damage Complaint against HEARTLAND GRADING, INC (HEARTLAND) received by the North Dakota Public Service Commission (Commission) on August 12, 2013 from MONTANA DAKOTA UTILITIES (MDU). The location of the damage was at 509 NE 40th Ave in the county of Ward in the city of Minot in North Dakota.

Please respond to the Third Party Complaint by **Sept 10, 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 HEARTLAND;
- c) HEARTLAND's history of prior violations or complaints;
- d) HEARTLAND's ability to pay;
- e) Any good faith effort by HEARTLAND in attempting to achieve compliance; and
- f) The effect the penalty may have on HEARTLAND's ability to continue in business.

North Dakota Century Code section 49-07-01.1 provides for a civil penalty not to exceed twenty five thousand dollars for violations of the One Call law.

Please send or e-mail written response 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 8/12/13		

PART B - WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

Name of Excavator Heartland Grading		Telephone Number 701-650-3720		
Address 200 36th Ave NE	City Minot	State ND	Zip Code 58703	
Name of Entity for Which Excavation Was Performed private		Telephone Number		
Address	City	State	Zip Code	

PART C - TIME AND LOCATION OF THE EVENT

Date and Time of Event 8/9/13 at 4:50PM	Address of the Excavation and/or Damage 509 NE 40th Ave			
County Ward	City Minot	State ND	Zip Code 58703	

PART D - FACILITY INVOLVED

Type of Facility Involved natural gas line	Operator of Facility and Contact Person (if known) MDU and Mike Schoepp			
Address	City	State	Zip Code	
Telephone Number	Email Address (if known)			
Brief Description of Facility Involved 1 1/4" plastic natural gas line was damaged				

PART E – DAMAGE (If applicable)

Fatalities none	Injuries none	Length of Hospitalization, If Applicable
Estimated Value of Property Damage \$ \$600		Number of Customers Affected 1
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:
 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 type="checkbox"/> No <input type="checkbox"/> Unknown <input checked="" 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 type="checkbox"/> No <input type="checkbox"/> Unknown <input checked="" type="checkbox"/> N/A
Did the excavator pre-mark with white paint?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input checked="" 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 was grading parking lot and damages line, second time they had damaged the line and no locate was called in.

Description of Event Continued

[Empty box for description of event]

PART I - SIGNATURE

Signature of Person Filing Complaint Mike Schoepp	Date 8/12/13
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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