



Public Service Commission
State of North Dakota

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September 5, 2013

CASE GS-13-758

Mr. Ted Crowe
MINNESOTA LIMITED, LLC
18640 200th St.
P.O. Box 410
Big Lake, MN 55309-0410

Re: Third Party Damage Complaint

Dear Mr. Crowe

Enclosed is a copy of a Third Party Damage Complaint against MINNESOTA LIMITED, LLC (Minn Ltd) received by the North Dakota Public Service Commission (Commission) on August 26, 2013 from HESS CORPORATION (Hess). The location of the damage was at Twp: 157N Rng:94W Sect-Qtr: 7-SW, 18-NW – 102nd Ave NW in the county of Mountrail near the city of White Earth in North Dakota.

Please respond to the Third Party Complaint by **Sept 26, 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 Minn Ltd;
- c) Minn Ltd's history of prior violations or complaints;
- d) Minn Ltd's ability to pay;
- e) Any good faith effort by Minn Ltd in attempting to achieve compliance; and
- f) The effect the penalty may have on Minn Ltd'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: Charles Columbus-Hess Corporation

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Letter enclosing third-party damage complaint



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 Hess Corporation	Person Filing Information Charles Columbus	Position Supervisor - Ground Disturbance	
Address of Person Filing Information 10384 68th Street NW	City Tioga	State ND	Zip Code 58852	
Telephone Number 701-664-6401	Email Address ccolumbus@hess.com		Date 8-26-2013	

PART B – WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

Name of Excavator Kurt - Minnesota Ltd		Telephone Number 763-688-0209	
Address PO Box 410	City Big Lake	State MN	Zip Code 55309
Name of Entity for Which Excavation Was Performed Alliance Pipeline		Telephone Number	
Address	City	State ND	Zip Code

PART C – TIME AND LOCATION OF THE EVENT

Date and Time of Event 8/17/2013 - 8:47 am	Address of the Excavation and/or Damage Twp: 157N Rng: 94W Sect-Qtr: 7-SW,18-NW - 102nd Ave NW		
County Mountrail	City White Earth	State ND	Zip Code

PART D – FACILITY INVOLVED

Type of Facility Involved Gas Pipeline	Operator of Facility and Contact Person (if known) Kurt		
Address Twp: 157N Rng: 94W Sect-Qtr: 7-SW,18-NW - 102nd Ave NW	City White Earth	State ND	Zip Code
Telephone Number 763-688-0209	Email Address (if known)		
Brief Description of Facility Involved EXCAVATION SITE IS ON BOTH SIDES OF THE ROAD. : FROM INTERSECTION GO 1800FT E OF INTERSECTION TO PIPELINE RIGHT OF WAY. MARK : 500FT WIDTH OF PIPELINE RIGHT OF WAY AND 500FT N AND S OF 70TH ST NW ON : PIPELINE RIGHT OF WAY			

PART E – DAMAGE (if applicable)

Fatalities 0	Injuries 0	Length of Hospitalization, If Applicable 0
Estimated Value of Property Damage: \$ 0		Number of Customers Affected 0
Damaged Within <input type="checkbox"/> Public Property <input type="checkbox"/> Private Property		Photos of Damaged Facility <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please include copies)

PART F – EXCAVATION

Was a locate requested from North Dakota One-Call?	
<input checked="" type="checkbox"/> Yes Locate Ticket Number <input type="checkbox"/> No <input type="checkbox"/> Unknown	Start Date on Ticket 8/17/2013
Did excavator wait until the start date/time on the ticket before commencing excavation?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A	
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input checked="" type="checkbox"/> N/A	

PART G – MARKING

Were facilities marked?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Were utility/facility marks visible in the area of excavation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Were the utility/facilities marked correctly?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Was the marking complete prior to the start time on the ticket?	<input checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Was the facility marked accurately within 24 inches horizontally?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input 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 checked="" type="checkbox"/> Unknown <input type="checkbox"/> N/A

PART H – DESCRIPTION OF EVENT

Description of Event Saturday morning the 17th I received a phone call from Kurt with Minnesota Ltd doing work for Alliance Pipeline requesting Hess to come out and do locate a pipeline without a one call. I informed Kurt that we worked off of one calls tickets and that other operators could be affected and it would be best for him to do the normal one call. A few hours later I received an false emergency one call ticket for the work Kurt was doing and I immediately contacted Kurt to verify if this was really an emergency or lack of planning. Kurt confirmed that it was not an emergency but he wanted to get the work started. Hess wishes to proceed with this complaint under ND law for placing a false emergency one call ticket.

Description of Event Continued

PART I – SIGNATURE

Signature of Person Filing Complaint Charles Columbus	Date 8/26/2013
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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