

To whom it may concern.



This letter is in regards to the complaint from MDU at 5213 Beaver Creek Place. One of our employees was digging in a water line and dug out too far from the house and pulled the Natural Gas Line up from the ground but didn't cut the line. As far as we know the employee then left the site with the machine and went back to doing other work. The employee called and left a message for us to call him back, however by the time we returned the call the contractor had already saw the line and called it into MDU. The employee has not been working for us for very long. At the time and we did not know he was installing the water line and there was no ND One Call to get lines located. We believe this would be the first time that we have had an issue with hitting a line without calling ND One Call to locate lines. We normally like to do things the right way the first time, however we failed to do so this time and we are striving to make changes so these things are done properly next time. If it is decided that there needs to be a fine for this complaint we will do the best we can to pay for it as soon as we can, however since we have been in business from 2002 we feel we have not had a very bad reputation for these kind of issues. We have tried to answer all the questions needed from Aaron and always returned calls except one phone call in regards to the question of (Did the employee call in and if he did before the contractor called into MDU). I apologize for that and I need to make sure in the future that I have a pen and paper to make reminders to call my messages back. Since we have had this complaint we have made an effort to make sure that we call into ND One Call for any and all addresses so we prevent any further issues. The penalty would affect our company tremendously due to the fact that it would slow down our production, and the lack of cash flow that we have already it will be difficult to stretch us out even more. We may be forced to down size and lay off our employees due to a penalty. We apologize for any inconvenience this may have caused and again we are making changes in our business because of it. Please feel free to call if you have any further questions.

Thank You,

Tom Bauer - Buffalo Concrete - 701-391-4878



Public Service Commission
State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
Julie Fedorchak

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

September 26, 2013

Mr. Tom Bauer
BUFFALO CONCRETE, LLP
2311 3RD St SE
Mandan, ND 58554-4762

CASE GS-13-788

Re: Third Party Damage Complaint

Dear Mr. Bauer:

Enclosed is a copy of a Third Party Damage Complaint against BUFFALO CONCRETE, LLP (BUFFALO) received by the North Dakota Public Service Commission (Commission) on September 12, 2013 from MONTANA DAKOTA UTILITIES (MDU). The location of the damage was at 5213 Beaver Creek Place in the county of Burleigh in the city of Bismarck in North Dakota.

Please respond to the Third Party Complaint by **October 17, 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 BUFFALO;
- c) BUFFALO's history of prior violations or complaints;
- d) BUFFALO's ability to pay;
- e) Any good faith effort by BUFFALO in attempting to achieve compliance; and
- f) The effect the penalty may have on BUFFALO'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 written response to the Commission at the address above.
You can call me with questions pertaining to this case at 701-220-5779.

Best regards,

Aaron A Morman
Pipeline Safety Inspector/Program Manager

C: Mike Schoepp-MDU