



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
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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

October 10, 2013

Mr. Leif Anderson
BLUE STONE CONSTRUCTION, INC.
2800 SE 22nd Street
Minot, ND 58701-7775

CASE GS-13-801

Re: Third Party Damage Complaint

Dear Mr. Anderson:

Enclosed is a copy of a Third Party Damage Complaint against BLUE STONE CONSTRUCTION, INC. (BLUESTONE) received by the North Dakota Public Service Commission (Commission) on September 18, 2013 from MONTANA DAKOTA UTILITIES (MDU). The location of the damage was at 515 NE 8th Street in the county of Ward in the city of Minot in North Dakota.

Please respond to the Third Party Complaint by **NOVEMBER 1, 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 BLUE STONE;
- c) BLUE STONE's history of prior violations or complaints;
- d) BLUE STONE's ability to pay;
- e) Any good faith effort by BLUE STONE in attempting to achieve compliance; and
- f) The effect the penalty may have on BLUE STONE'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



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 9/18/13	

PART B – WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

Name of Excavator Bluestone Construction		Telephone Number 701-858-8139	
Address 2800 SE 22nd Street	City Minot	State ND	Zip Code 58701
Name of Entity for Which Excavation Was Performed		Telephone Number	
Address	City	State	Zip Code

PART C – TIME AND LOCATION OF THE EVENT

Date and Time of Event 9/17/13 at 4:30 PM	Address of the Excavation and/or Damage 515 NE 8th Street		
County	City	State	Zip Code
Ward	Minot	ND	58701

PART D – FACILITY INVOLVED

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

PART E – DAMAGE (if applicable)

Fatalities n/a	Injuries n/a	Length of Hospitalization, If Applicable n/a
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?	
<input type="checkbox"/> Yes Locate Ticket Number <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	Start Date on Ticket <input style="width: 150px; height: 20px;" type="text"/>
Did excavator wait until the start date/time on the ticket before commencing excavation?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input checked="" 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 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 hit 1" service line. Contractor had not called in a locate, also not very cooperative once MDU showed up on site. This is the third time the contractor has damaged our facilities this year.

Description of Event Continued

PART I – SIGNATURE

Signature of Person Filing Complaint Micheal Schoepp	Date 9/18/13
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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