



Public Service Commission

State of North Dakota

COMMISSIONERS

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Fax: 701-328-2410
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October 10, 2013

Mr. Gaul
SELLAND CONSTRUCTION, INC.
5805 Sherman Lane
Williston, ND 58801

CASE GS-13-802

Re: Third Party Damage Complaint

Dear Mr. Gaul:

Enclosed is a copy of a Third Party Damage Complaint against SELLAND CONSTRUCTION, INC. (SELLAND) received by the North Dakota Public Service Commission (Commission) on September 17, 2013 from MONTANA DAKOTA UTILITIES (MDU). The location of the damage was at Meadows Subdivision at corner of 70th St E and University Ave N in the county of Williams in the city of Williston 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 SELLAND;
- c) SELLAND's history of prior violations or complaints;
- d) SELLAND's ability to pay;
- e) Any good faith effort by SELLAND in attempting to achieve compliance; and
- f) The effect the penalty may have on SELLAND'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: Paul Reily-MDU

2 **GS-13-802** Filed: 10/10/2013 Pages: 5
Letter enclosing third-party damage complaint

Public Service Commission Staff

Aaron Morman

**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 Co.	Person Filing Information Paul Riely	Position District Gas Superintendent
Address of Person Filing Information 220 2nd Ave E, PO Box 1406	City Williston	State ND	Zip Code 58802-1406
Telephone Number (701)572-1614	Email Address paul.riely@mdu.com	Date 08 August, 2013	

PART B – WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

Name of Excavator Selland Construction	Telephone Number (509) 662-7119		
Address 5805 Sherman Lane	City Williston	State ND	Zip Code 58801
Name of Entity for Which Excavation Was Performed Selland Construction	Telephone Number (509) 662-7119		
Address 5805 Sherman Lane	City Williston	State ND	Zip Code 58801

PART C – TIME AND LOCATION OF THE EVENT

Date and Time of Event Multiple	Address of the Excavation and/or Damage Meadows Subdivision, corner of 70th St E and University Ave N		
County Williams	City Williston	State ND	Zip Code 58801

PART D – FACILITY INVOLVED

Type of Facility Involved Natural Gas Distribution System	Operator of Facility and Contact Person (if known) Montana-Dakota Utilities Co., Paul Riely		
Address 220 2nd Ave E, PO Box 1406	City Williston	State ND	Zip Code 58802-1406
Telephone Number (701) 572-1614	Email Address (if known) paul.riely@mdu.com		
Brief Description of Facility Involved Contractor damaged three natural gas service lines, a four inch natural gas main line, and a two inch natural gas main line.			

PART E – DAMAGE (if applicable)

Fatalities None	Injuries None	Length of Hospitalization, If Applicable None
Estimated Value of Property Damage: \$ \$2380.66		Number of Customers Affected None
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 checked="" type="checkbox"/> Yes Locate Ticket Number <input type="checkbox"/> No <input type="checkbox"/> Unknown	Start Date on Ticket 07/16/2013
Did excavator wait until the start date/time on the ticket before commencing excavation?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input 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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown <input 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 checked="" type="checkbox"/> Unknown <input type="checkbox"/> N/A
Did the excavator pre-mark with white paint?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown <input type="checkbox"/> N/A
Was the facility marked accurately within 24 inches horizontally?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" 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

<p>Description of Event</p> <p>While installing the natural gas distribution system in the Meadows Subdivision in the City of Williston, state of North Dakota the contractor made contact with our facilities three separate times.</p> <p>The first time a natural gas service line was struck, and repaired on location at the time of contact.</p> <p>On July 19, 2013 while installing other utilities, the contractor made contact with a four inch main at the point where it tied in with a two inch main branch line, they also made contact with a service line. Montana-Dakota Utilities (MDU) were not made aware of this contact until 24 July, 2013. During this six day time frame Williston, ND received rainfall causing the natural gas main to become contaminated with dirt and water. This caused MDU to excavate and replace over thirty feet of four and two inch gas main line as well as repairing a damaged service line. When the system was tested, the third contact damage to a service line was found which took extensive investigation to find and repair.</p>
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Description of Event Continued

PART I – SIGNATURE

Signature of Person Filing Complaint

Paul W. Rief

Date

17 September 2013

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



MONTANA-DAKOTA

UTILITIES CO.

A Division of MDU Resources Group, Inc

220 2nd Ave East
P.O. Box 1407
Williston, ND 58802-1406
(701) 572-2152

September 13, 2013

Public Service Commission
600 E Blvd. Ave. Dept. 408
Bismarck, ND 58505-0480

To whom it may concern,

In response to the request at the bottom of the Third Party Damage Complaint form, SFN 59067 (11-12), regarding my authority to file a complaint on behalf of a company, please refer to the following information.

As the District Gas Superintendent for the Williston District of Montana-Dakota Utilities, I am “responsible for construction, operation, and maintenance of the gas transmission and distribution systems; and providing safe, reliable, economic service to our customers.” This includes responding to any problems found with excavators working in vicinity with our natural gas system.

If you have any questions, feel free to contact me

Sincerely

Paul Riely
District Gas Superintendent
(701) 572-1614
paul.riely@mdu.com