



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

May 21, 2014

Chris Buschta
DIAMOND RESOURCES CO.
602 11th St West, PO Box 1938
Williston, ND 58802-1938

CASE GS-14-242

Re: ND ONE-CALL COMPLAINT

Dear Mr. Buschta:

Enclosed is a copy of a Third Party Damage Complaint against DIAMOND RESOURCES CO., (DIAMOND) received by the North Dakota Public Service Commission (Commission) on May 13, 2014, from LARRY NOVAK (NOVAK). The location of the violation was at Sec 31, 152-101 and Sec 25, 152-102, in the county of McKenzie, near the city of Alexander, in North Dakota.

Please respond to the Third Party Complaint by **June 4, 2014**, 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 DIAMOND;
- c) DIAMOND's history of prior violations or complaints;
- d) DIAMOND's ability to pay;
- e) Any good faith effort by DIAMOND in attempting to achieve compliance; and
- f) The effect the penalty may have on DIAMOND'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. Larry Novak

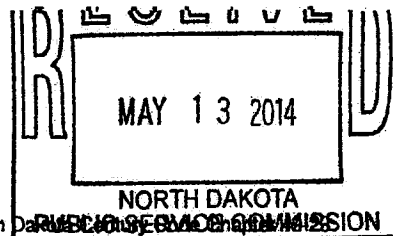
3 GS-14-242 Filed: 5/21/2014 Pages: 2
Letter enclosing third party damage complaint



ND ONE-CALL COMPLAINT

Public Service Commission
SFN 59067 (1-14)

To allege a violation of the One-Call Excavation Notice System Law: North Dakota Century Code Chapter 12-12



PART A - WHO IS SUBMITTING THIS COMPLAINT (COMPLAINANT)

Company/Person LARRY NOVAK	Street Address 1446 370th ST NW	City ALEXANDER	State and Zip Code ND 58831
Telephone and Cell Phone Number 701 572 3060 701 770 7370	Email Address larry@ruggadirect.com		Date 5-13-14

Complainant is willing and able to testify on the complaint if matter goes to formal hearing

PART B - WHO VIOLATED THE ONE-CALL REGULATIONS (RESPONDENT)

Company/Person DIAMOND RESOURCES	Street Address 602 11th ST W	City WYNDSTON	State and Zip Code ND 58801
Telephone and Cell Phone Number CONTACT STEVE 701-572-4573 CELL 231-499-9354	Email Address steve@diamond1.com		

PART C - ALLEGED VIOLATION

Operator failed to provide or update the information provided to the notification center on a timely basis

Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation

Excavator failed to provide required information in excavation or location notice

Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation

Notification center failed to inform the excavator of the names of operators of underground facilities in the area

Operator failed to locate and mark underground facility within 48 hours

Excavation started prior to underground facility locate

Operator failed to mark underground facility within 24 inches horizontally

Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period

Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities

Excavator failed to maintain the markings during excavation

Other (Identify the specific section of NDCC Chapter 49-23) **49-2305 FAILURE TO ASSUME OWNER SHIP OF Flags TO REMOVE THEM.**

Location of Violation: **Sec 31 152-101 & Sec 25 152-102**

Date and Time of Violation: **5-13-14**

Description (summarize the observations on which you rely to allege the violation) if more space is required, please provide the description on a separate page. **SARVARE TO PICK UP FLAGS**

PART D - DAMAGE

Fatalities	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected:		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$	Number of Customers Affected	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I - SIGNATURE

Signature of Person Filing Complaint <i>Larry Novak</i>	Date 5-13-14
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Send Completed, Original Complaint To:
Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck ND 58505-0480
Telephone: (701) 328-2400