



Public Service Commission

State of North Dakota

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JULY 30, 2014

Everett Hall
Box 961
New Town, ND 58763

CASE GS-14-249

Re: ND ONE-CALL COMPLAINT

Dear Mr. Hall:

Enclosed is a copy of a Third Party Damage Complaint against EVERETT HALL, (HALL), received by the North Dakota Public Service Commission (Commission) on May 23, 2014, from CENEX PIPELINE, LLC (CENEX). The location of the ND ONE-CALL violation was near Highway 2, approximately 4 miles West of the city of New Town, ND 58763 in the county of Mountrail, in North Dakota

Please respond to the Third Party Complaint by **August 28, 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 HALL;
- c) HALL's history of prior violations or complaints;
- d) HALL's ability to pay;
- e) Any good faith effort by HALL in attempting to achieve compliance; and
- f) The effect the penalty may have on HALL'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. Michelle Slyder, Cenex

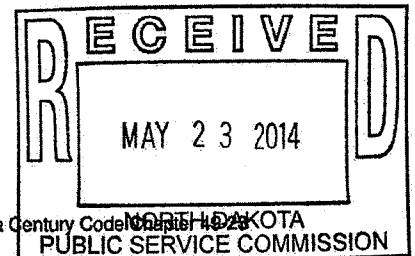


ND ONE-CALL COMPLAINT

Public Service Commission

SFN 59067 (1-14)

To allege a violation of the One-Call Excavation Notice System Law: North Dakota Century Code Chapter 49-23



PART A – WHO IS SUBMITTING THIS COMPLAINT (COMPLAINANT)

Company/Person Michelle Snyder	Street Address 803 Highway 212 S	City Laurel	State and Zip Code MT 59044
Telephone and Cell Phone Number 4088619284	Email Address michelle.snyder@chsinc.com		Date 05/23/2014
<input checked="" type="checkbox"/> 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 Everett Hall	Street Address Box 961	City New Town	State and Zip Code ND 58763
Telephone and Cell Phone Number 701-421-7165		Email Address	

PART C – ALLEGED VIOLATION

<input type="checkbox"/> Operator failed to provide or update the information provided to the notification center on a timely basis <input checked="" type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation <input type="checkbox"/> Excavator failed to provide required information in excavation or location notice <input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation <input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area <input type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours <input type="checkbox"/> Excavation started prior to underground facility locate <input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally <input type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period <input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities <input type="checkbox"/> Excavator failed to maintain the markings during excavation <input type="checkbox"/> Other (Identify the specific section of NDCC Chapter 49-23) _____
Location of Violation: Property near Highway 2, approximately 4 miles west of New Town, ND.
Date and Time of Violation: Within the last two weeks.
Description (summarize the observations on which you rely to allege the violation) <i>if more space is required, please provide the description on a separate page.</i> A Cenex Pipeline aerial patrol reported excavations for two basement foundations, in which Cenex Pipeline had not receive a locate request for the work from the ND One Call. Cenex Pipeline staff investigated the site on 5/23. While on-site, the landowner, Everett Hall, came out to see why the Cenex Pipeline employee was installing additional pipeline markers and taking measurements. Per their discussion, the landowner, Mr. Hall, was the one performing the excavation work and he was aware of the one call law but said he didn't know that it applied to non-commercial excavation. Our staff advised Mr. Hall that it applies to all excavations and that he had violated the law. Mr. Hall excavated two foundations near Cenex Pipeline, one 195 feet south of the pipeline and the other 300 feet north of the pipeline. The ND One Call representative contacted MR. Hall about the incident and Mr. Hall responded that he is on private property, he has dug there before, and knows where those line are. It appears that Mr. Hall needs a stronger message.

PART D – DAMAGE

Fatalities N/A	Injuries N/A	In-patient Hospitalization N/A
Underground facility type(s) and Operator(s) affected: Cenex Pipeline and OneOK Pipeline		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ N/A		Number of Customers Affected N/A
Other impact of event: This type of near miss has an impact on personnel scheduling because the pipeline operators have to drop all planned work to respond to and investigate the incident. because Cenex Pipeline is a transmission pipeline under significant pressure, and fortunately for Mr. Hall, this incident was a near miss, however, it could have easily been a damage resulting in any of the above conditions.		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Michelle L. Snyder	Date 5/23/2014
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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