

Memorandum

To: Commissioners Kalk, Christmann and Fedorchak

From: Victor Schock, Public Utility Analyst

Date: October 16, 2014

Re: ND One-Call Complaint
Case No. GS-14-312

On September 29, 2014, a ND One-Call Complaint was received from Cenex Pipeline, LLC. alleging that Estvold Underground Service (Estvold) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by completing a fiber optics installation project without a waiting for Cenex Pipeline, LLC.(Cenex) personnel to be onsite during the excavation.

On October 15, 2014 a note was received from Michelle Slyder of Cenex, requesting that the commission take no further action on the Complaint they submitted based on the following facts:

Estvold has paid Cenex for the damages

Estvold believed it was following acceptable procedures, and did not intend to violate Cenex's procedures for excavation

Estvold has been cooperative with Cenex in determining the root cause for the issue and coming to an agreement for future excavations

Staff recommends that no further action be taken and the case be closed.

Schock, Victor F.

From: Slyder, Michelle <Michelle.Slyder@chsinc.com>
Sent: Wednesday, October 15, 2014 4:56 PM
To: estvold01@yahoo.com; 'mborg@estvold.us'
Cc: Traeger, John; Stahly, Mike; McIlvain, Corey; Morman, Aaron A.; Schock, Victor F.
Subject: Request to the PSC to withdraw damage complaint
Attachments: 1645_001.pdf

Per my previous discussion with PSC staff, Cenex Pipeline is sending the attached letter to formally request the PSC to withdraw the damage complaint from their system. I will forward details when I hear back from the PSC.

Please let me know when the check for reimbursement for the damage was or will be sent.

We appreciate your willingness to work together to make the repair and that Estvold is committed to not working within the Cenex Pipeline Right-Of-Way without having Cenex Pipeline staff on-site for all future projects.

Michelle L. Slyder
DOT Compliance Coordinator
Pipelines and Terminals



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October 15, 2014

Chairman Brian Kalk
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

RE: Estvold Damage Complaint Withdrawal Request

Dear Mr. Kalk,

Cenex Pipeline wishes to withdraw the complaint against Estvold Construction filed 9/29/14.

Per previous communications with North Dakota PSC staff, Estvold was very accommodating in assisting in performing the repair and Cenex Pipeline feels that there were mitigating circumstances that Cenex Pipeline feels may have contributed to this issue. Due to historical practice as well as what other pipeline operators allow, Estvold believed it was acceptable to hydrovac Cenex Pipeline without having our staff present as long as our staff supervised the installation of the crossing and inspected the hydrovac upon completion. At the meeting held between Cenex and Estvold, their management committed to Cenex Pipeline that their organization will not perform any work within our Right-Of-Way without having Cenex Pipeline staff on-site to direct and observe the activity for all future projects.

Therefore, Cenex Pipeline wishes to withdraw the complaint as it was repaired at their expense and they have assured us it will not happen again.

If you need any further information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "John Traeger".

John Traeger
Manager, Pipelines and Terminals
CHS, Inc.
(406)628-5202

C: Michelle L. Slyder
Corey McIlvain