



Public Service Commission State of North Dakota

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JULY 30, 2014

ROCK SOLID EXCAVATING, INC.
P.O. BOX 235
PARK CITY, MT 59063-0235

CASE GS-14-633

Re: ND ONE-CALL COMPLAINT

Dear Mr. Todd:

Enclosed is a copy of a ND ONE-CALL COMPLAINT against ROCK SOLID EXCAVATING, INC. (ROCK SOLID) received by the North Dakota Public Service Commission (Commission) on July 22, 2014, from WBI Energy (WBI). The location of the ND ONE-CALL violation was White Tail Circle in Williston, ND.

Please respond to the Third Party Complaint by **August 27, 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 ROCK SOLID;
- c) ROCK SOLID's history of prior violations or complaints;
- d) ROCK SOLID's ability to pay;
- e) Any good faith effort by ROCK SOLID in attempting to achieve compliance; and
- f) The effect the penalty may have on ROCK SOLID'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. Kent Kahl, WBI



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 WBI Energy/Kent Kahl	Street Address 1250 West Century Avenue	City Bismarck	State and Zip Code ND 58506
Telephone and Cell Phone Number 406-359-7222 / 406-939-2215	Email Address Kent.Kahl@wbienery.com		Date 7/22/14
<input 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 Rock Solid Excavating Inc. / Mark Todd	Street Address PO Box 235	City Park City	State and Zip Code MT 59063
Telephone and Cell Phone Number 406-861-2808	Email Address rocksolidexcavating@gmail.com		

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: White Tail Circle - Williston, ND
Date and Time of Violation: 7/16/14
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> On July 16, 2014 Rock Solid Excavating Inc. proceeded to excavate without a locate request to install a water service line to a new home being constructed off of White Tail Circle in Williston, ND. WBI received a call explaining the steel gas pipeline had been hit by an excavator at 2:09 pm CST. WBI sent emergency personnel immediately to determine the extent of the damage. The damage consisted of a dented pipeline with several gouges. WBI installed a composite repair sleeve in order to avoid blowing down the pipeline section and to maintain service to customers.

PART D – DAMAGE

Fatalities N/A	Injuries N/A	In-patient Hospitalization N/A
Underground facility type(s) and Operator(s) affected: steel natural gas transmission pipeline		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$5,500.00	Number of Customers Affected 0	
Other impact of event: Several WBI personnel were involved with accessing the damage, determining the appropriate repair method, and installing the composite repair sleeve.		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Kent Kahl	Date 7/22/14
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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

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Third party damage complaint

WBI Energy Transmission, Inc.
Kent Kahl