

Rock Solid Excavating Inc  
Case GS-14-633

On July 16-2014 Andrew Placher (operator for us @ Rock Solid) got a call from Carpenter Homes that she needed a water line installed on White Tail Circle Subdivision IN Williston. He happened to have time that day and started digging the line IN, and for some reason forgot, didn't think, the bottom line is there was no excuse for what happened. Andrew has dug around the pipe line many times, with Locates ~~and~~ with WBI Energy Present. We take pride on what we do and how we do it, this was a mistake that Andrew knows how huge it really was. We do realize and that day the crew for WBI said, he's lucky to even be here, ~~so we have~~ Rock Solid take 100% responsibility of what happened, were lucky and we know it it also puts a bad mark on our Record, that we have to learn from and make sure it doesn't happen again. If you have any question at all call me Mark Todd @406861-2808

Thank you



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@A - Rock Solid operator dug water line in with out locates, he over/looked, forgot, ~~but~~ but the Bottomline it didn't happen. As to severity, It could have been a life taking mistake! and we know that,

B: We take complete fault, we always obey and take pride. That day will not happen again,


C. We have never had any violation, we are a small company that take pride on how and what we do. We have worked with all the utility around Williston, MDU, Rural water, they call us to do excavation. for them, because of how we operate and take pride on our jobs.

d. The ability to pay, yes we can pay, and will if that is <sup>what</sup> ~~the~~ the Commission determines the out come, Having a violation hurts worse to us, but the we relieve it could have been a lot worse out come that day than it was

@E. We have tryed to help anyway that we could to fix the problem that day. Been in contact with Aaron, and also Shawn Rones @ WBT Energy To make sure it got fix, and Back filled in a timely matter

f. The effect could have been alot worse than what it could have been. The Penalty Effect will Not have any effect on Keeping in Business, It will hurt our pride, but all we can do ~~is~~ is learn, and make Sure that this Never happens again.

Feel free to call me at anytime if you have any questions.

  
MARK TODD  
ROCK SOLID EXCAVATING  
406-861-2808.



## Public Service Commission State of North Dakota

### COMMISSIONERS

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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,

A handwritten signature in black ink that reads "Aaron A. Morman".

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 58508
Telephone and Cell Phone Number 408-369-7222 / 406-899-2216	Email Address Kent.Kahl@wbienergy.com		Date 7/22/14
<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 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**

- 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)

Location of Violation:  
 White Tail Circle - Williston, ND

Date and Time of Violation:  
 7/18/14

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.*

On July 18, 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