



# 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<br>Cenex Pipeline, LLC/Michelle Snyder   | Street Address<br>803 Highway 212 S         | City<br>Laurel | State and Zip Code<br>MT |
| Telephone and Cell Phone Number<br>4068629281   | Email Address<br>michelle.slyder@chsinc.com |                | Date<br>09/02/2014       |
| <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<br>Merryman Excavation             | Street Address<br>1501 Lamb Road                     | City<br>Woodstock | State and Zip Code<br>IL, 60098 |
| Telephone and Cell Phone Number<br>(815) 790-0201 | Email Address<br>tyler.miller@merrymanexcavation.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<br><input type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation<br><input type="checkbox"/> Excavator failed to provide required information in excavation or location notice<br><input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation<br><input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area<br><input type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours<br><input type="checkbox"/> Excavation started prior to underground facility locate<br><input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally<br><input type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period<br><input checked="" type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities<br><input type="checkbox"/> Excavator failed to maintain the markings during excavation<br><input type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____ |
| Location of Violation:   |
| Date and Time of Violation:<br>8/11/14 and 8/26/14   |
| 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><br><br>Merryman Excavation performed two separate potholes of Cenex Pipeline without allowing Cenex Pipeline staff to be on-site to assist in preventing damage to our pipeline or it's coating, as required by Cenex Pipeline Crossing/Encroachment procedures. The pothole done on 8/26 caused pipeline coating damage that required pipeline excavation and coating repair. Merryman Excavation has previously crossed Cenex Pipeline without incident, so they are fully aware of Cenex Pipeline's requirement to have staff on-site when potholing the pipeline or working on our Right-Of-Way.   |

## PART D – DAMAGE

|   |                                     |                                   |
|---|-------------------------------------|-----------------------------------|
| Fatalities<br>N/A   | Injuries<br>N/A                     | In-patient Hospitalization<br>N/A |
| Underground facility type(s) and Operator(s) affected:<br>Transmission Liquids Pipeline         |                                     |                                   |
| Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$<br>\$3450.00         | Number of Customers Affected<br>N/A |                                   |
| Other impact of event:<br>investigate damage and perform pipeline coating repair work required. |                                     |                                   |
| Please attach photos of Event Area or Damaged Facility  |                                     |                                   |

## PART I – SIGNATURE

|  |                  |
|--|------------------|
| Signature of Person Filing Complaint<br>Michelle L. Snyder | Date<br>09/02/14 |
|--|------------------|

Send Completed, Original Complaint To:  
 Public Service Commission  
 600 E Boulevard Ave Dept 408  
 Bismarck ND 58505-0480  
 Telephone: (701) 328-2400