



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
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Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

September 24, 2014

Tyler Miller
Merryman Excavation, Inc..
1501 Lamb Road
Woodstock, IL 60098

Re: One-Call Excavation Notice System: North Dakota Century Code Chapter 49-23

Dear Mr. Miller:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Merryman Excavation, Inc., received by the North Dakota Public Service Commission on September 2, 2014, from Michelle Slyder, at Cenex Pipeline, LLC, of Laurel, MT, Case Number GS-14-696. The location of the damage identified in the complaint is approximately south and west of intersection of 34th St NW and 113th Ave NW in Mckenzie County, ND.

I am sending you this information so that you are aware of the Complaint and have an opportunity to present any information you may have to assist us in processing this case. **Please respond to Darrell Nitschke, Executive Secretary, North Dakota Public Service Commission, by October 8, 2014**, with your written account of the event, including the applicable One Call locate ticket number for work performed at the address indicated.

I will review your response, the ND One-Call Complaint, and other available information to determine the next step in this matter. If I conclude there was a violation of the One Call law, I may file a formal complaint with the Commission. If I decide to proceed with a formal complaint, I will attempt to contact you in advance.

Please contact me at 701-328-3397 or at vschock@nd.gov with any questions regarding this correspondence.

Sincerely,

Victor Schock
Compliance and Competitive Markets Division

Enc: ND One-Call Complaint with attachments
c: Michelle Slyder with attachments



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 Cenex Pipeline, LLC/Michelle Snyder	Street Address 803 Highway 212 S	City Laurel	State and Zip Code MT
Telephone and Cell Phone Number 4068629281	Email Address michelle.slyder@chsinc.com		Date 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 Merryman Excavation	Street Address 1501 Lamb Road	City Woodstock	State and Zip Code IL, 60098
Telephone and Cell Phone Number (815) 790-0201	Email Address 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 <input 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 checked="" 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:
Date and Time of Violation: 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> 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 N/A	Injuries N/A	In-patient Hospitalization N/A
Underground facility type(s) and Operator(s) affected: Transmission Liquids Pipeline		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$3450.00	Number of Customers Affected N/A	
Other impact of event: 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 Michelle L. Snyder	Date 09/02/14
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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

Email to the Commission

From: Slyder, Michelle [<mailto:Michelle.Slyder@chsinc.com>]

Sent: Tuesday, September 23, 2014 4:57 PM

To: Morman, Aaron A.

Subject: FW: Merryman Excavation Damage Location

There is no address, it is rural. The tickets covering this area are in the e-mail below. Below is the written description of the location:

Dig Site Location

State:	ND	County:	MCKENZIE	Place:	BLUE BUTTE TWP
State:	ND	County:	MCKENZIE	City/Place:	BLUE BUTTE TWP
State:		County:		Place:	
State:		Municipality:			
State:		County:		Geo Place:	
Caller Place:		Subdivision:			
Address:					
Street:					
Island:	State: ND	County:		Place:	
State:	County:	Place:		In City:	
State:	ND	County:	MCKENZIE	City/Place:	BLUE BUTTE TWP
Address:		Street:	34TH STREET NW		
Address:					
Street:					
Address:	Street: 34TH STREET NW				
Nearest Intersection:	113TH AVE NW	Other Intersection:			
Nearest Intersection:					
Additional Addresses in Location:					
Address:		Street:	34TH STREET NW	City Limits:	
Address:				Additional Locates:	
Address:				Additional Addresses:	
Address:				Apt. #:	
Street:	34TH STREET NW			Subdivision:	
Street:	34TH STREET NW				
Nearest Intersecting:	113TH AVE NW	At Intersection:			
Intersecting Street:	113TH AVE NW				

Nearest Intersecting Street: 113TH AVE NW
Second Nearest Intersecting Street:
Cross 1:
Within ¼ Mile:
Cross 2:

Extent of Work:

Second Nearest Intersecting Street:

Latitude: Longitude:

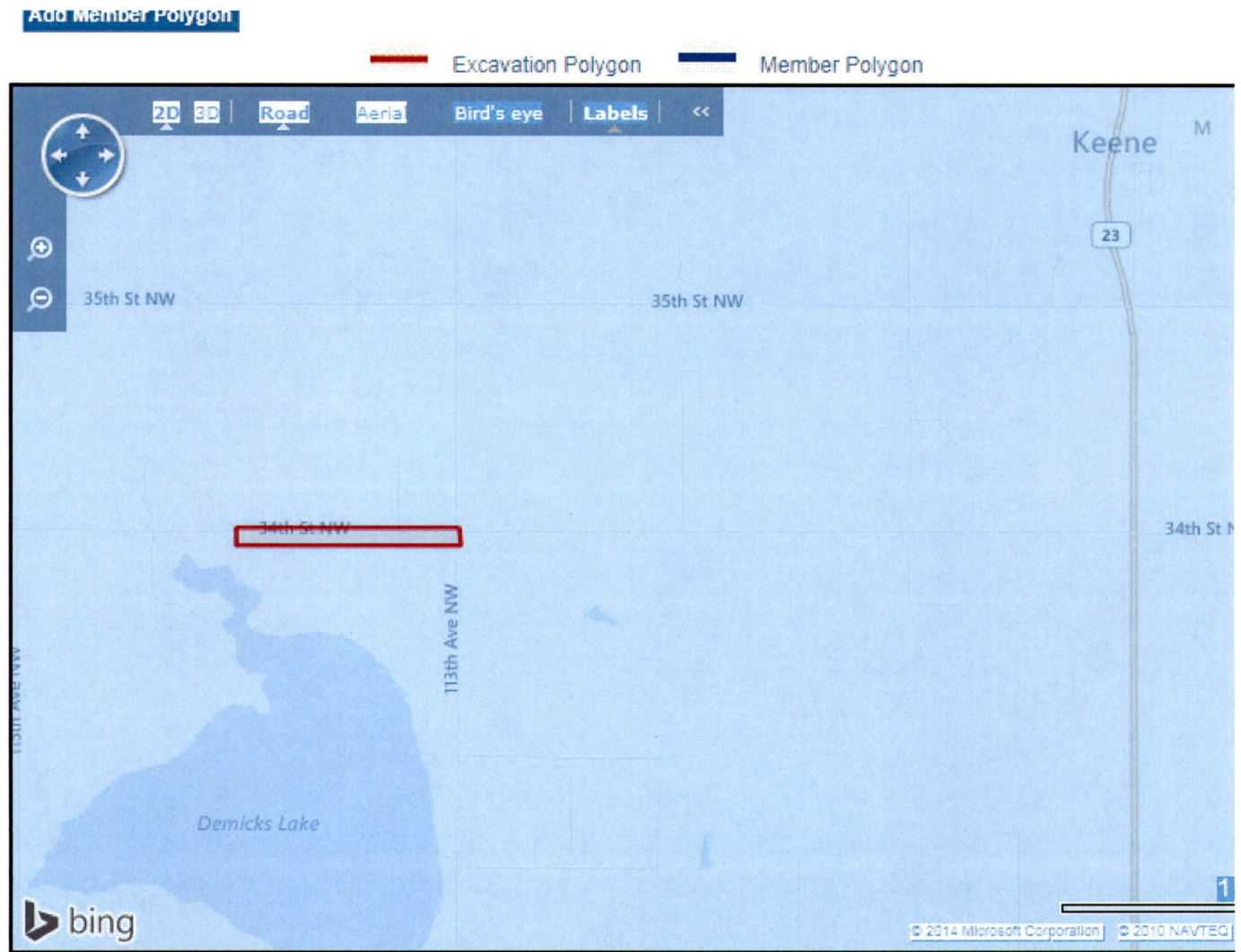
Extent of Work:
FROM THIS INTERSECTION TRAVEL SOUTH LOOK FOR THE BLUE AND PINK FLAGED STAKES, LOCATE IN BETWEEN THEM GOING WEST FOR 1 MILE

Schock, Victor F.

From: Morman, Aaron A.
Sent: Wednesday, September 24, 2014 9:47 AM
To: Schock, Victor F.
Subject: FW: Here is the polygon drawn by the call center

This is another email from Michelle Slyder of Cenex in regards to the Merryman DP case.

From: Slyder, Michelle [<mailto:Michelle.Slyder@chsinc.com>]
Sent: Tuesday, September 23, 2014 2:34 PM
To: Morman, Aaron A.
Subject: Here is the polygon drawn by the call center



The map is a third party product and may vary from the call center map.
To view the call center map, please click the "View Call Center Map" button.

[View Call Center Map](#)

<http://www.managetickets.com/client/reports/MapTicketMS.aspx?PageMethod=GetTicket&ticketID=14103645140711&districtCode=ND+-+CENEX01E&imageVisible=False&showHeader=False>



803 Highway 212, South
P.O. Box 909
Laurel, MT 59044-0909

406-628-5200
chsinc.com

**TO: MERRYMAN EXCAVATION
1501 LAMB ROAD
WOODSTOCK, IL 60098**

**DATE: September 2, 2014
INVOICE NO.: V090214
CUSTOMER NO.: 00MMERRY
LOCATION: MISC SALES
ACCOUNT:**

CONTACT: MICHELLE SLYDER

DUE DATE	DESCRIPTION	AMOUNT
UPON RECEIPT	VIOLATION OF THE ONE-CALL EXCAVATION NOTICE SEE ATTACHMENT	\$3,447.88
	INVOICE TOTAL	\$3,447.88

**REMIT TO:
CHS Inc
P. O. BOX 909
LAUREL, MT. 59044

ATTN: MISC. SALES**

MERRYMAN EXCAVATION COATING DAMAGE INVOICE BACKUP

LABOR COSTS	HOURS	RATE	TOTALS
I&E Technicians (2) - Pipeline Repair & Backfill	17	\$ 43.85	\$ 745.45
DOT Compliance Coordinator - Incident Investigation, Invoicing, and Damage Prevention Meeting Coordination	16	\$ 68.65	\$ 1,098.40
I&E Manager - Incident Investigation	3	\$ 83.18	\$ 249.54
TOTAL COST - LABOR			\$ 2,093.39

TRAVEL COSTS	MILES	RATE	TOTAL
I&E Techs (3 trips 270 miles for repair and backfilling)	810	\$ 0.56	\$ 453.60
DOT Compliance Manager One Trip to Watford City for Damage Investigation Meeting with Excavator	674	\$ 0.56	\$ 377.44
Hotel			\$ 250.00
TOTAL COST - TRAVEL			\$ 1,081.04

Repair Material Costs	TOTAL
2 Rolls Coating	\$ 89.44
Rocksheild	\$ 128.30
Primer	\$ 55.71
TOTAL COST - MATERIALS	\$ 273.45

TOTAL AMOUNT TO INVOICE **\$ 3,447.88**