

Memorandum

To: Commissioners Kalk, Christmann and Fedorchak

From: Victor Schock Public Utility Analyst

Date: June 19, 2015

Re: ND One-Call Complaint
Case No. GS-14-696

On September 2, 2014, a ND One-Call Complaint was received from Michelle Slyder with Cenex Pipelines, LLC (Cenex) alleging that Merryman Excavation, Inc. (Merryman) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to conduct the excavation in a careful and prudent manner.

Staff Investigation

On August 14, 2014, Merryman personnel provided an excavation notice to the NDOC Notification Center for work at the intersection of 34th St NW and 108th Ave NW extending north for 1 mile in McKenzie County, ND. .

On August 26, 2014, Merryman personnel began an excavation at the location while performing a water main install at the intersection.

Within 24 inches of the underground facility (the hand-dig zone), Merryman utilized a vacuum excavation tool known as a Hydrovac, Hydrovac is an excavation method recommended in the North Dakota One Call Handbook for use in the hand-dig zone. Merryman did not use mechanized equipment with a cutting edge or point within the hand-dig zone at the excavation.

The coating on Cenex's refined petroleum products pipeline was damaged during the Hydrovac. The amount of damage was approximately \$3450. The operator has not been reimbursed for damages. No service was lost as a result of this damage.

Based on its investigation, Staff concludes that Merryman did not violate the ND One-Call Excavation Notice System law by failing to conduct the excavation in a careful and prudent manner.

Staff does not intend to file a formal complaint. Staff recommends that no further action be taken and the case be closed.