

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
R.J. Corman Derailment Services, LLC
Damage Prevention Enforcement

Case No. GS-14-740

ORDER AND NOTICE ON DEFAULT

July 20, 2016

Preliminary Statement

On October 10, 2014 Enbridge Pipelines (North Dakota) LLC (Enbridge) filed a third party damage complaint alleging a violation of North Dakota Century Code Chapter 49-23 by R.J. Corman Derailment Services, LLC (R.J. Corman).

On October 13, 2014 Commission Staff forwarded a copy of the third party damage complaint to the respondent, R.J. Corman, for response. No response was received.

On February 3, 2016 Public Service Commission Advocacy Staff (Advocacy Staff) filed a formal Complaint against R.J. Corman alleging violation of the North Dakota One-Call Law, North Dakota Century Code Chapter 49-23, requesting the Commission find R.J. Corman in violation and impose a penalty.

On February 24, 2016 the Commission found the Complaint states a *prima facie* case.

Also on February 24, 2016 Advocacy Staff refiled the formal Complaint against R.J. Corman, to include exhibits which were missing from Advocacy Staff's February 3, 2016 filing.

On February 29, 2016 the Commission served the refiled Complaint on R.J. Corman.

On April 11, 2016 the North Dakota Secretary of State filed an Admission of Service for the refiled formal Complaint.

On June 2, 2016 Advocacy Staff filed and served a Motion and Notice of Motion for Order of Default.

Discussion and Statement of Grounds for Default

R.J. Corman violated North Dakota Century Code Chapter 49-23 by failing to provide an excavation notice to the North Dakota One Call notification center at least forty-eight hours before beginning excavation. As a result of this excavation, damage was caused while R.J. Corman attempted to free a track hoe that was stuck in the mud near an Enbridge underground facility at York, North Dakota. No damage was caused by this excavation.

The facts before the Commission indicate that R.J. Corman is in default for failing to file an Answer within 20 days after service of the Complaint.

R.J. Corman's failure to file an Answer to the Complaint constitutes grounds for default under North Dakota Century Code Chapter 28-32 and North Dakota Administrative Code Chapter 69-02-02.

This Order and Notice of Default constitutes written Notice of Default and a statement of the grounds for default.

The Commission issues the following:

Order and Notice of Default

The Commission orders:

1. R.J. Corman Derailment Services, LLC is in default under North Dakota Century Code Chapter 28-32 and North Dakota Administrative Code Chapter 69-02-02 for failing to file an Answer to the Complaint within twenty days after service of the Complaint.
2. R.J. Corman Derailment Services, LLC is in violation of North Dakota Century Code Chapter 49-23 for failing to provide an excavation notice to the North Dakota One Call notification center at least forty-eight hours before beginning excavation.
3. R.J. Corman Derailment Services, LLC, is assessed a civil penalty of \$500.00.
4. R.J. Corman Derailment Services, LLC, shall remit the \$500.00 civil penalty, payable to the North Dakota Public Service Commission, within ten business days of service of this Order and Notice on Default.
5. This Order constitutes written Notice of Default and a statement of the grounds for default.
6. Under North Dakota Century Code Section 28-32-30(2), R.J. Corman Derailment Services, LLC, has seven days after service of this Order and Notice on Default to file a written motion requesting that the default order be vacated. Unless R.J. Corman

Derailment Services, LLC, within seven days after service of this Order and Notice on Default, files a written motion requesting that the default order be vacated, this Order and Notice on Default will be the final determination of this matter.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chairman



Brian P. Kalk
Commissioner