



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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October 13, 2014

Dean P Keller  
Keller Paving & Landscaping, Inc.  
1820 Hwy 2 Bypass E.  
Minot, ND 58701-7929

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

Dear Mr. Keller:

Enclosed is a copy of a ND One-Call Complaint, against Keller Paving & Landscaping, Inc., received by the North Dakota Public Service Commission on October 10, 2014, from Jeremy Finnie at Enbridge Pipelines, LLC, of Grand Forks, ND, Case Number GS-14-741. The location of the incident identified in the complaint is approximately near BNSF railroad right of way near York, 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 27, 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](mailto:vschock@nd.gov) with any questions regarding this correspondence.

Sincerely,

Victor Schock  
Compliance and Competitive Markets Division

Enc: ND One-Call Complaint  
c: Jeremy Finnie



# 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 Enbridge, Operator of NDPL LLC/Jeremy Finnie	Street Address 2715 Valley Circle	City Grand Forks	State and Zip Code ND 58203
Telephone and Cell Phone Number 701-746-9772 701-739-1900	Email Address jeremy.finnie@enbridge.com		Date 08/25/2014
<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 Keller Paving	Street Address 1820 Hwy 2 Bypass E.	City Minot	State and Zip Code ND 58701
Telephone and Cell Phone Number 701-852-5030	Email Address paving@minot.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 checked="" 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: York, ND
Date and Time of Violation: 05/25/2014 9:00am
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>  The above party was working for BNSF adjacent to Enbridge right of way when their track hoe became stuck. The operator tried unsuccessfully to free the machine by digging into the ground with the bucket of the excavator. The machine became stuck even deeper into the ground. Enbridge personnel spotted the stuck equipment from hwy 2 and stopped to investigate. They spoke with a Keller employee and urged them to call for an emergency locate request however they were ignored. Enbridge personnel stayed on site until the stuck equipment was safely removed.

## PART D – DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected:		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$		Number of Customers Affected
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint Jeremy Finnie	Date 08/26/2014
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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