



Public Service Commission

State of North Dakota

COMMISSIONERS

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Executive Secretary
Darrell Nitschke

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November 28, 2014

Nancy Roberts
Buckhorn Energy Services, LLC
5613 DTC Parkway, Suite 800
Greenwood Village, CO 80111

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

Dear Ms. Roberts:

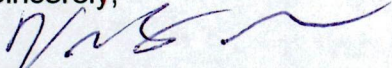
Enclosed is a copy of a ND One-Call Complaint, against Buckhorn Energy Services, LLC., received by the North Dakota Public Service Commission on November 20, 2014, from Guy Schiessl, at Agri Industries Inc., of Williston, ND, Case Number PU-14-826. The location of the incident identified in the complaint is approximately Hofflund Township, T-154N, R-95W, S-6 NW & SE in Williams 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 December 12, 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
c: Guy Schiessl

2 **PU-14-826** Filed: 11/28/2014 Pages: 2
Letter enclosing North Dakota One-Call Complaint

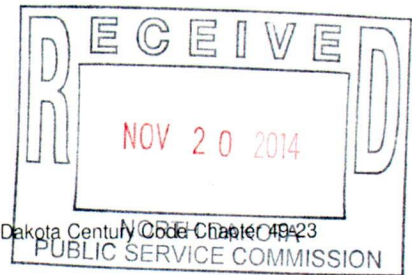


ND ONE-CALL COMPLAINT

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 Agri Industries Inc. - Guy Schiessl | Street Address P.O. Box 1166 | City Williston | State and Zip Code ND 58802 |
| Telephone and Cell Phone Number 701-572-0767 x17 701-770-5117 | Email Address guy@h2oagri.com | | Date 11/19/2014 |
| <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 Buckhorn Energy Services - Nancy | Street Address 5613 DTC Parkway Suite 800 | City Greenwood Village | State and Zip Code CO 80111 |
| Telephone and Cell Phone Number 303-618-3135 | Email Address | | |

PART C – ALLEGED VIOLATION

| |
|--|
| <input checked="" 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 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: Williams County, Hofflund TWP, T-154N, R-95W, S-6 NW & NE |
| Date and Time of Violation: 10/24/2014 |
| 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> While performing excavation our project manager noticed a recent excavation that crossed our path. In investigating who had performed the previous excavation he determined that it was a company known as Buckhorn Energy Services who was not identified on the one-call notification report for the area involved. After locating a local representative we were able to have them locate their line before we began excavation. It was later determined that as an operator of an underground saltwater pipeline they have not updated their information of the new pipeline in a timely manner. We actually are not sure that any of their pipelines are identified which would mean that they are not participating in the one-call system as required by statute. |

PART D – DAMAGE

| | | |
|--|------------------------------|------------------------------------|
| Fatalities None | Injuries None | In-patient Hospitalization None |
| Underground facility type(s) and Operator(s) affected: None | | |
| Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ None | 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 Guy Schiessl | Date 11/19/2014 |
|--|--------------------|

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