

# Memorandum

To: Commissioners Kalk, Christmann and Fedorchak

From: Victor Schock, Public Utility Analyst

Date: March 18, 2015

Re: ND One-Call Complaint  
Case No. PU-15-42

On January 23, 2015, a ND One-Call Complaint was received from Chris Schaefer with Enbridge Pipelines (North Dakota) LLC (Enbridge) alleging that J&J Oilfield Services, Inc. (J&J) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to provide an excavation notice at least 48 hours before beginning an excavation.

Staff investigation found that on November 24, 2014 an Enbridge aerial patrol notified Chris Schaefer that there was equipment near Enbridge's underground facilities. Enbridge dispatched crossing techs to the site, but there was no excavation work being performed when they arrived. In response to the complaint, J&J stated they were removing a rock pile from a farmer's field per an agreement they made with the landowner. J&J stated that they did not remove any rocks from beneath the surface, and were only removing rocks that were placed in a pile by the farmer. Upon further investigation, staff found that Enbridge was not able to provide any additional evidence that demonstrated an excavation as defined in North Dakota Century Code Section 49-23-01(7) took place.

Based on its investigation staff does not intend to file a formal complaint, and recommends that no further action be taken and the case be closed.

