



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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May 26, 2015

Tom Ruland  
Liberty Resources LLC  
1200 17<sup>th</sup> St  
Suite 2050  
Denver, CO 80202-5854

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

Dear Mr. Ruland:

Enclosed is a copy of a ND One-Call Complaint against Liberty Resources LLC, received by the North Dakota Public Service Commission on May 11, 2015, from Sara DiFonzo at Kinder Morgan, of Alexander, MT, Case Number PU-15-186. The location of the area identified in the complaint is approximately Township 151N, Range 103W, Section 1 near Charbonneau, 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 June 9, 2015**, 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: Sara DiFonzo with attachments

2 **PU-15-186** Filed: 5/26/2015 Pages: 3  
**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 Kinder Morgan / Sara DiFonzo	Street Address 3507 14ve NW	City Alexander	State and Zip Code MT 59331
Telephone and Cell Phone Number 701-580-8460	Email Address sara_difonzo@kindermorgan.com		Date 5/8/15
<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 Liberty Resources, LLC / Tom Ruland	Street Address 1200 17th St. Ste 2050	City Denver	State and Zip Code CO 80202
Telephone and Cell Phone Number cell: 701-570-0940 Office: 303-749-5757			Email Address tomruland@hotmail.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 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 checked="" 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: 151-103-1
Date and Time of Violation: 4/22/15 at 11:40am and 4/25/15 at 4:00pm
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> 4/22/15 - Kinder Morgan contractor laying a 12" steel line struck a unmarked 4" steel line approximately 20gl sludge ran out of line. Construction met with a liberty rep who stated that there were more lines in the area. Liberty did not verify this. 4/25/15 - Kinder Morgan hit another Liberty 4" steel line and did not puncture the line, dented the line. At this Time Kinder Morgan took upon them self to locate many unmarked liberty lines for Kinder Morgan construction. Liberty did not even show up on One Call Ticket. There have been multiple Tickets for this job. There have been bore contractor, hydrovac, and main contractor one calls.

## PART D – DAMAGE

Fatalities NA	Injuries NA	In-patient Hospitalization NA
Underground facility type(s) and Operator(s) affected: 2 - 4" steel lines		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ NA	Number of Customers Affected NA	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint <i>Sara DiFonzo</i>	Date 5/8/15
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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

### Liberty Resources, LLC Line Hits

Liberty should not use the excuse that they have unlocatable lines. These are steel lines that Kinder Morgan line patrollers had no problem tracing back to line hits. My understanding is that they purchased this gathering from another company and limited maps were available, but there is liberty well within 400' of these line strikes. I would think that the location itself would be in the one call system.

I understand that buying old gathering with limited maps is a tough situation but not to be even in the One Call system is a lack of disrespect for other operators in the area.