



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

May 21, 2015

Andrew Hubbell  
Green Way Earthworks LLC  
351 Highway 22  
Killdeer, ND 58640-9375

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

Dear Mr. Hubbell:

Enclosed is a copy of a ND One-Call Complaint against Green Way Earthworks LLC, received by the North Dakota Public Service Commission on May 21, 2015, from Charles Columbus at Hess Corporation, of Tioga, ND, Case Number PU-15-217. The location of the area identified in the complaint is approximately Township 150N, Range 96W, Sections 23, 22, 15 and 14 near Johnsons Corner, 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 5, 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: Charles Columbus with attachments

2 PU-15-217 Filed: 5/21/2015 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 Hess Corporation - Charles Columbus	Street Address 10384 68th Street NW	City Tioga	State and Zip Code ND 58852
Telephone and Cell Phone Number 1-701-664-6401	Email Address ccolumbus@hess.com		Date 5-21-2015
<input 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 Greenway Earthworks - Andrew Hubbell	Street Address 351 Hwy 22	City Killdeer	State and Zip Code ND 58640
Telephone and Cell Phone Number 701-300-3795	Email Address ahgreenwayearthworks@gmail.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 type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours <input checked="" 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 checked="" type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) <u>False Emergency One Call Ticket - 49-07-01.1 / scope of work is not emergency</u>
Location of Violation: Twp: 150N Rng: 96W Sect-Qtr: 23,22,15,14 - Johnson Corner
Date and Time of Violation: Original Call Date: 5/20/15 Time: 10:54 AM CT
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>  I called and spoke to Andrew Hubbell and he explained that he was previously working on another contractors expired one call ticket and was told to place the emergency ticket. I explained that his work was not an emergency. He then told me there had been a line strike by another company and was told to place the emergency ticket. He stated also he told the one call center to include the line strike in the comments of his one call ticket. I contacted Jon Earley with ND One call and they reviewed the conversation and verified the mentioned line strike had nothing to do with his company scope of work. This false emergency causes increase risk to all parties responding by having to pull off existing work to respond per ND Law. ND One Call ticket # 15064371

## PART D – DAMAGE

Fatalities	Injuries	In-patient Hospitalization
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 Charles Columbus	Date 5-21-2015
--	-------------------

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