



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 Ernst Trenching Inc	Street Address 932 40th ST NW	City Fargo	State and Zip Code ND 58102
Telephone and Cell Phone Number 701-282-5954 w/ 701-371-9960	Email Address KAL@midco.net		Date 10-20-15

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 Resources Continental Fracture	Street Address	City	State and Zip Code
Telephone and Cell Phone Number 406-778-3319		Email Address Johnny.Jones@clr.com	

PART C - ALLEGED VIOLATION

Operator failed to provide or update the information provided to the notification center on a timely basis

Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation

Excavator failed to provide required information in excavation or location notice

Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation

Notification center failed to inform the excavator of the names of operators of underground facilities in the area

Operator failed to locate and mark underground facility within 48 hours

Excavation started prior to underground facility locate

Operator failed to mark underground facility within 24 inches horizontally

Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period

Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities

Excavator failed to maintain the markings during excavation

Other (Identify the specific section of NDCC Chapter 49-23) **-04 & -05**

Location of Violation: **South of Rhame ND**

Date and Time of Violation: **numerous locations on numerous days and times**

Description (summarize the observations on which you rely to allege the violation) *If more space is required, please provide the description on a separate page.*
Continental has numerous lines in the area they have no way of locating. They guess. They refer to 1985 Google earth maps. They cannot physically hook up a locator and detect the lines.

PART D - DAMAGE

Fatalities Not Yet	Injuries Not Yet	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 contact Ryan Schultz from ND one call. Ryan says he believes they are in violation		
Please attach photos of Event Area or Damaged Facility		

PART I - SIGNATURE

I do not want any of my people to get hurt!

Signature of Person Filing Complaint Keith Ernst	Date 9-20-15
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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

-Info-Public Service Commission

From: Keith Ernst <kae@midco.net>
Sent: Tuesday, October 20, 2015 2:30 PM
To: -Info-Public Service Commission
Subject: FW: Message from "RNP002673A0DA54"
Attachments: 20151020141913926.pdf

To Whom it concerns:

Attached is a complaint against a pipeline operator in North Dakota. We have tried to work with them to get them to locate their lines. They have little idea of where their lines are at and literally just take a guess. These air lines they have operate at 45psi and could result in serious injury if they are hit. These guys don't care, they have said many times that if oil was \$ 100.00 a barrel it would not be an issue and if oil was \$ 100.00 a barrel they would hire us or someone to find their lines. To make sure I am clear on this we are not talking about lines that they are able to hook up a locating device to and locate a signal to tell them where the line is at. We are talking about lines that they cannot locate with any type of locator. They literally have no idea of where these lines are and they have dozens of them in this area.

I urge you to talk with Ryan form ND one call. Ryan has e-mails from them saying it would just cost too much for them to put any effort out to find these lines.

I look forward to hearing from you ASAP.

Thank You

Keith Ernst

Ernst Trenching Inc.

-----Original Message-----

From: eti@midco.net [<mailto:eti@midco.net>]

Sent: Tuesday, October 20, 2015 6:19 PM

To: Keith

Subject: Message from "RNP002673A0DA54"

This E-mail was sent from "RNP002673A0DA54" (MP C2003).

Scan Date: 10.20.2015 14:19:13 (-0900)

Queries to: eti@midco.net