



Public Service Commission State of North Dakota

COMMISSIONERS

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October 23, 2015

Continental Resources, Inc.
PO BOX 269097
Oklahoma City, OK 73126-9097

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

To Whom it May Concern:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Continental Resources, Inc., received by the North Dakota Public Service Commission on October 21, 2015, from Keith Ernst, at Ernst Trenching, Inc., of Fargo, ND, Case Number PU-15-699. The location of the incident identified in the complaint is south of Rhame, 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 November 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 with any questions regarding this correspondence.

Sincerely,

Victor Schock
Compliance and Competitive Markets Division

Enc: ND One-Call Complaint with attachments
c: Keith Ernst with attachments

2 **PU-15-699** Filed: 10/23/2015 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 <i>Ernst Trenching Inc</i>	Street Address <i>932 40th NW</i>	City <i>Fargo</i>	State and Zip Code <i>ND 58102</i>
Telephone and Cell Phone Number <i>701-282-5954 & 701-371-9960</i>	Email Address <i>KAL@midco.net</i>		Date <i>10-20-15</i>
<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 <i>Resources Continental Resource</i>	Street Address	City	State and Zip Code
Telephone and Cell Phone Number <i>406-778-3319</i>	Email Address <i>Johnny.Jones@clr.com</i>		

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 checked="" type="checkbox"/> Excavation started prior to underground facility locate
<input checked="" 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) <i>-04 & -05</i>

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

PART I - SIGNATURE

Signature of Person Filing Complaint <i>Keith Ernst</i>	Date <i>9-20-15</i>
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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