



Public Service Commission  
State of North Dakota

COMMISSIONERS

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May 11, 2016

Jay Christensen  
Master Construction Co., Inc.  
PO BOX 788  
Fargo, ND 58107-0788

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

Dear Jay:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Master Construction Co., Inc., received by the North Dakota Public Service Commission on May 10, 2016, from Scott MacLean, at Montana Dakota Utilities, of Dickinson, ND, Case Number PU-16-194. The location of the damage identified in the complaint is approximately the northwest corner of the intersection of 40<sup>th</sup> St W and Highway 22, Dickinson, ND.

I am sending you this information so that you are aware of the complaint and may respond with information concerning the complaint. **Please respond to Darrell Nitschke, Executive Secretary, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by May 25, 2016**, with your written account of the event, including the applicable One Call locate ticket number for work performed at the address indicated.

Your response and the ND One-Call Complaint will be reviewed to determine whether there may be a violation of the One-Call Excavation Notice System law.

If I do not receive a response by the date noted, I will determine whether there was a violation, without your side of the story, based on the facts contained in this complaint. If I conclude a violation did occur I will file a formal complaint against Master Construction Co., Inc. with the Commission, which may result in a penalty up to \$25,000 per violation as approved by the North Dakota Legislative Assembly in 2013 under North Dakota Century Code Section 49-07-01.1.

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  
North Dakota Public Service Commission  
600 E Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480

2 PU-16-194 Filed: 5/11/2016 Pages: 12  
Letter enclosing North Dakota One Call Complaint

Enc: ND One-Call Complaint with attachments  
c: Scott MacLean with attachments

Public Service Commission  
Victor Schock



# 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 Montana - Dakota Utilities/ Scott MacLean	Street Address 1133 W. Broadway	City Dickinson	State and Zip Code North Dakota 58601
Telephone and Cell Phone Number 701-456-7104 701-290-2472	Email Address scott.maclea@mdu.com		Date 5/10/2016
<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 Master's Construction	Street Address 1572 45th NW	City Fargo	State and Zip Code North Dakota 58102
Telephone and Cell Phone Number 701-866-5981	Email Address NA		

## 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 checked="" 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 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) _____
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### Location of Violation:

Northwest corner of the intersection of 40th St SW and Highway 22

### Date and Time of Violation:

2:07 pm 4/21/2016

### 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.*

Upon arrival police and fire were at the site and had closed down the road. Police and Fire had already established a make safe zone. I observed a large plow with a reel of telecommunications on it and gas blowing to the West from the plow attachment on the rear. There was no line locates in the area where Master's was plowing. Asked Jay Christensen with Master's what happened and he said "I'm at fault, because my ticket didn't cover this area". Called E.L.M. to come out and verify ticket information which the description did not encompass area was trenching in. Both Mike Perez from E.L.M. Locating and Jay Christensen from Master's agreed that the line location that was called in didn't cover the area where Master's was excavating. Jay from Master's at this time took responsibility for the damage. Emergency line locations were called in for MDU to start repair which might reflect in the attached pictures. I'm forwarding all documents to review that will highlight in detail what happened.

## PART D – DAMAGE

Fatalities 0	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: 4" Intermediate Pressure Steel Distribution Main Montana - Dakota Utilities		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ 16,069.18	Number of Customers Affected 0	
Other impact of event: Police and Fire Involved. 40th St SW closed for 5 hours between Highway 22 and State St.		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint R. Scott MacLean	Date 5/10/2016
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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

# GAS CONSTRUCTION ORDER

Task 4-26-16  
P-ord 4-26-16

Revision 3.03

Date Received:

<b>Address</b>		<b>District</b>		<b>Town, ST</b>		<b>Zip</b>		<b>Date Created:</b>	
40th St W & 3rd Ave W		DICKINSON		Dickinson, ND		58601		4/22/2016	
<b>County</b>		<b>Township</b>		<b>Range</b>		<b>Section</b>		<b>Block</b>	
Stark				1/4		1/4 1/4		Lot	
<b>Subdivision Name</b>				<b>Nearest Cross Street</b>		<b>District Code</b>		<b>Inspection Rpt (Y/N):</b>	
						153		Y	
<b>Type of Permit</b>				<b>Permit #</b>		<b>Cost Center</b>		<b>Damage Rpt (Y/N):</b>	
						153		Y	
<b>Customer:</b>				<b>Name</b>		<b>Work #</b>		<b>Cell/Home #</b>	
<b>Contractor:</b>				Master Construction				701-866-5981	
<b>Developer:</b>									
<b>Other:</b>									
<b>Order Number</b>		<b>Order Type</b>		<b>Accounting Code</b>		<b>Premise ID #</b>		<b>Comments/Instructions</b>	
MDUG-20160422-00371		G-REPMN		G-REPAIR GAS MAIN		153.28870		Repair 4" gas main	

## GAS RECAP DATA

	Pipe Size	Material Type	Material Length (-) footages for Retirement
Gas Main:			
Gas Main:			
Gas Main:	4"	Steel	
Gas Service:			
Gas Service:			

**Work Performed:** REPAIR 4" IP STEEL LINE HIT BY MASTER CONSTRUCTION PROWING IN FIBER CUT OUT DAMAGE AND REPLACE 4' of STEEL MAIN. 2-REMOTE BELLHOLES LOOP FEED

<b>Farm Tap (Y/N):</b>	N
<b>City Limits (In/Out):</b>	Inside

**BILLABLE:** Yes / No Y

4/22/16

✓ RYAN BERGER - 2 HRS REG. TIME 6 HRS O/T 2.5 HRS D/T

SAL DOGIC - 2 HRS REG. TIME 6 HRS O/T 2.5 HRS D/T

HUNTER DOMAGALA - 2 HRS REG. TIME 6 HRS O/T 2.5 HRS D/T

ANDREW WIPP - 2 HRS REG. TIME 6 HRS O/T 2.5 HRS D/T

TIM MAC DONALD - 2 HRS REG. TIME 6 HRS O/T 2.5 HRS D/T

CHRIS BOWDEN - 2 HRS REG. TIME 7 MILES 3/4 TON P.O.

5778 WELD TRUCK - 10 MILES

5848 WELD TRUCK - 09 MILES

RYANS FOREMAN TRUCK - 507 MILES

CAT BACKING - 14 HOURS

6010 - Tims Foreman Truck - 19 MILES

4/22/16

Tim/Andrew - 4 HRS REG. TIME

Ryan/Sal/Hunter - 4 HRS REG. TIME

Tims welder - 6 HRS

Ryans welder - 6 HRS

### GAS MATERIALS MAP

Street Address:	40th St W & 3rd Ave W	Town:	Dickinson, ND	369
Subdivision Name:		Block:		Lot:
Work Order Numbers:	MDUG-20160422-00371	Work Performed		
Premise ID #:	0			
Service Point ID #:	0			
Date Completed:	4/23/16			
Service Property Units:				
Main Property Units:				
Type of Work:	Repair gas main			
Retirement Vintage Date:				

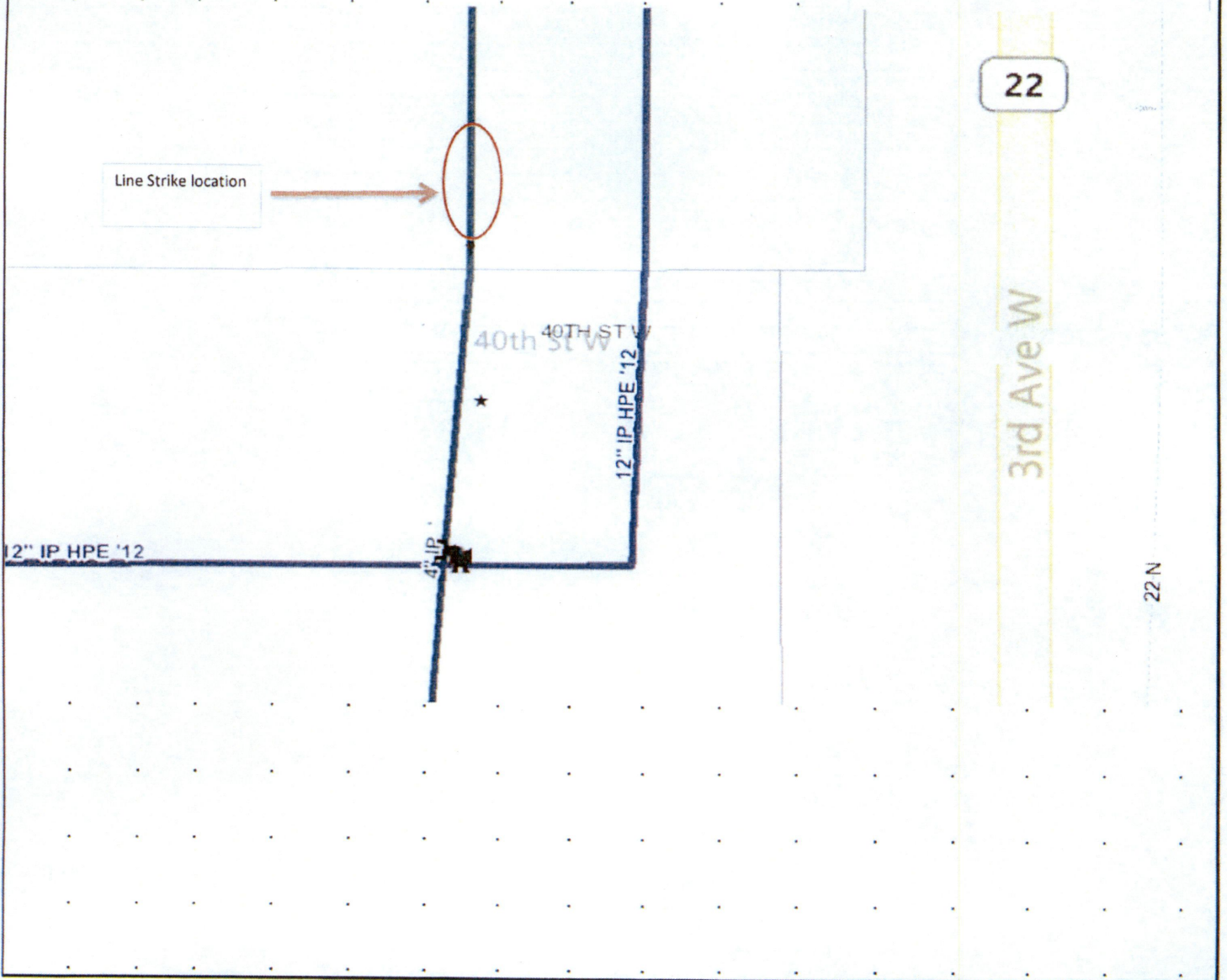
#### PROPERTY UNIT INFO - REQUIRED

Service PU's	+	-	Plastic Main PU's	+	-	Steel Main PU's	+	-
3/4" (Less than 2")			1.5" or Less			1.5" or Less		
2" & 2.5"			2" & 2.5"			2" & 2.5"		
4"			3"			3"		
			4"			4"		
						6"		

Installation Method (Circle):    Trenched   -   Plowed   -   Bored



Main to Property Line = \_\_\_\_\_





**MONTANA-DAKOTA UTILITIES/GREAT PLAINS NATURAL GAS  
GAS LEAK AND REPAIR REPORT**

**Reason For Report:**

District: DICKINSON Date: 4/21/16  
Address: 40th St W & 3rd Ave W Town: Dickinson, ND  
First Responder(s): Scott MacLean CARIS Bussien  
Leak Classification: 1  
Date Leak Repair Person was Dispatched: 4/21/16 Time: 2:07 PM  
Date Leak Repair Person Responded: 4/21/16 Time: 2:25 PM  
From What Location (Town) did Leak Respond Person Leave: DICKINSON

**Type of Line:**

Location: Map #: \_\_\_\_\_ Block Number: \_\_\_\_\_ Lot Number: \_\_\_\_\_  
If Rural Service Line: \_\_\_\_\_ Transmission Line Number: \_\_\_\_\_ Line Name: \_\_\_\_\_  
Survey Location: \_\_\_\_\_ Premise ID #: 0 On Federal Land (Y/N): N  
Describe Specific Location: NW CORNER of Hwy 44 & 34th St SW  
Pipe Size: 4" IP STEEL Length Exposed: 8  
Type of Pipe: S If steel, is it cathodically protected? (Y/N): Y Pipe/Wire to Soil: -1.1  
Soil Conditions: SAND/CLAY  
Original Installation Date: \_\_\_\_\_ Operating Pressure: 90 PSI

**Kinds of Leak:**

Description of Leak: 1/2" OF DIAMETER OF PIPE DAMAGED BY LARGE PLOW  
Method of Repair: REMOTE BELL HOLES, TAP STOP, WELD CYLINDER, PATCH, COMPLETE  
Date Repaired: 4/21/16 S.O. #: \_\_\_\_\_ Date of follow up (if required): \_\_\_\_\_  
If a DOT Reportable Leak: \_\_\_\_\_ Date and Time of Telephone report: 4/21/16 2:00 PM  
To whom was leak reported: 911

Remarks:

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

**MONTANA-DAKOTA UTILITIES/GREAT PLAINS NATURAL GAS  
PIPELINE CONDITION REPORT**

Region: Badlands  
 Address: 40th St W & 3rd Ave W  
 Location: EASEMENT

Date: 4/22/16  
 Town: Dickinson, ND  
 District: DICKINSON

**EXPOSED PIPE INSPECTED: "LINE BEING REPAIRED or TIED ON TO"**

Pipe Inspected: YES - Yes  
 NO \_\_\_\_\_  
 Pipe Type: STEEL  
 Plastic - Steel - PVC \_\_\_\_\_  
 Steel Coating Type: MW  
 Mill Wrap - Epoxy - X-tru - Bare - Other \_\_\_\_\_  
 Plastic Type: \_\_\_\_\_  
 Yellow - Orange - Black - Aldyl - Other \_\_\_\_\_  
 Pipe Diameter (inches): 4  
 Pipe Depth Existing (Inches): 40  
 Exposed Pipe (feet): 8  
 Facility Matches Map: Yes  
 Yes - No \_\_\_\_\_  
 Map Action Taken: Notified  
 Supv. Sent Map  
 Correction \_\_\_\_\_

External Pipe Condition: Good  
 Good - Fair - Poor \_\_\_\_\_  
 Circumferential (Inches): \_\_\_\_\_  
 Longitudinal (Feet): \_\_\_\_\_  
 Coating Condition: Fair  
 Good - Fair - Poor \_\_\_\_\_  
 Pipe/Wire to Soil (-V): -11  
 Internal Condition: Good  
 Good - Fair - Poor \_\_\_\_\_  
 Pipe Liquids: NO  
 Yes - No \_\_\_\_\_  
 Wall Ultrasonic Thickness (UT): .248

**ADDITIONAL LEAK TEST:**

Test Type: SOAP CGI or Meter #: \_\_\_\_\_

**Supplemental Leak Test Comments**

SOAP FINAL CONNECTIONS

**Comments/Instructions**

**INSPECTION OF PIPE REMOVED FROM SERVICE:**

Pipe Diameter (inches): 4  
 Liquid Evident in Pipe (Y\*/N): N Internal Pipe Condition: Good  
 Work Performed \_\_\_\_\_

\*If yes, follow the PROCEDURE FOR HANDLING DISTRIBUTION FACILITIES WHICH MAY CONTAIN OR HAVE CONTAINED PCB GREASE OR LIQUIDS (5-15-91 General Office Gas Operations Dept.)

Inspector: \_\_\_\_\_

**CRITERIA (EXTERNAL AND INTERNAL CONDITION)**

- GOOD - No visible damage or deterioration to mild pitting.
  - FAIR - More severe pitting to metal loss, which is less than 70 percent of the nominal wall thickness.
  - POOR - Metal loss in excess of 70 percent of the nominal wall thickness.
- (Must take prompt remedial action.)

# REPORT OF DAMAGE TO COMPANY-OWNED PROPERTY

(NOTE: Please refer to the bottom of this form before proceeding with completion.)

## Part A

Owner of Property: MDU District: DICKINSON Town: Dickinson, ND  
Time of Damage: 2.07 PM Date of Damage: 4/21/2016  
Name of Location Where Damage Occurred: 40th St W & 3rd Ave W  
Location of Damaged Property: NW CORNER of HWY 22 + 34<sup>TH</sup> ST SW  
Rural Location: \_\_\_\_\_  
Estimated Amount of Loss: TO BE CALCULATED First Responder Order No. (If applicable): MDUG-20160421-01303  
CC&B Account # (If Applicable): \_\_\_\_\_ MDU Service Order No. (If applicable): MDUG-20160422-00371  
If damaged meter, meter number: \_\_\_\_\_ Additional Work Order (If applicable): \_\_\_\_\_  
Description and Cause of Loss or Damage: \_\_\_\_\_ Type of meter: \_\_\_\_\_

MASTER'S CONSTRUCTION PLOWED HALF WAY THROUGH 4" IP STEEL WHILE INSTALLING FIBER OPTIC. MASTER'S DIGGING OUTSIDE OF DIG TICKET

## Part B

Did Loss or Damage Originate on our Premises? (If no, Explain): N  
MDU FACILITIES LOCATED ON PRIVATE PROPERTY

If an Explosion, did a Fire Ensur? N (How was Fire Extinguished?)

### If Electrical Property is Involved, Fill in the Following Supplemental Data:

Type of Equipment Involved: \_\_\_\_\_  
Damage caused by Electrical Arcing, Short Circuit or Other Failure, Give Approximate Cause

If Electrical, Did a Fire Ensur?

## Part C

If damage was caused by excavation, was location of our facilities requested prior to digging? Y  
Location requested by: MASTER CONSTRUCTION Time: \_\_\_\_\_ Date: \_\_\_\_\_  
Line Locate Number: 16026457  
Company property located on:  
Damage notification by: MASTER CONSTRUCTION Time: 2:00 PM Date: 4/21/16  
Was damager a subcontractor: Y If yes, for whom: CONSULTANT

### Who to bill for damages:

Name of who to Bill: MASTER CONSTRUCTION Name of Equipment Operator: JAY CHRISTIANSON  
Address of who to Bill: 1572 45TH NW Type of equipment: TRENCHER  
FARGO, ND 58102 Operator's Address: \_\_\_\_\_  
Phone # of who to Bill: 701-866-5981 Operator's Phone #: \_\_\_\_\_  
Name of Insurer: \_\_\_\_\_  
Insurance Policy #: \_\_\_\_\_ Was a Police Report made: N If yes, please attach report

## REPORT OF DAMAGE TO COMPANY-OWNED PROPERTY

**Others involved in Property Damage:**

<u>Names of Persons Involved</u>	<u>Address</u>	<u>Phone Number</u>

**Witnesses to Property Damage:**

<u>Names of Witnesses</u>	<u>Address</u>	<u>Phone Number</u>
SCOTT MACLEAN, A BALLESTEROS MDU		
MIKE PEREZ ELM		

**In case of line break, complete the following:**

Decatherms of gas to bill:	Size of hole(in): 90 / 2	Time line blew: 5HRS	<u>Date</u> 4/21/2016
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**Part D**

<u>Names of Persons Injured</u>	<u>Address</u>	<u>Extent of Injury</u>

Person Filling Out Form: CHRIS BOWDEN/RYAN BERGER

Date: 4/21/2016

Approved By: \_\_\_\_\_

Date: \_\_\_\_\_

CC&B Account #: \_\_\_\_\_ CC&B Field Activity ID: \_\_\_\_\_

**Instructions**

Email this completed form to MDURA - Accounts Receivable: [MDURA.AccountsReceivable@mdu.com](mailto:MDURA.AccountsReceivable@mdu.com)

Use this form to make an immediate preliminary report of all damage to or loss of company-owned property:

**If damage is caused by any of the following, complete Parts A, B, & D, if applicable.**

- 1) Fire, lightning, inherent explosion, implosion, windstorm, tornado, flood, electrical arcing, short circuit, hail, riot and civil commotion, vandalism, malicious mischief, aircraft, or smoke damage.
- 2) An accident to boilers and/or machinery (an accident being a sudden and accidental breakdown of an object or part of an object).
- 3) Loss of or damage to property during the physical process of installation, movement or dismantling including while awaiting installation.

**If damage was caused by others, complete Parts A, C & D, if applicable.**

Name	Employee #	Hours	Unit #	Hours/Miles
ALL TIME, EQUIPMENT & MATERIALS to be billed on MDUG-20160422-00371				
SCOTT MACLEAN	638995	9	5869	10





