



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
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Executive Secretary  
Darrell Nitschke

June 1, 2016

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

Dean P Keller  
Keller Paving & Landscaping, Inc.  
1820 Highway 2 Bypass East  
Minot, ND 58701-7929

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

Dear Mr. Keller:

Enclosed is a copy of a ND One-Call Complaint, against Keller Paving & Landscaping, Inc., received by the North Dakota Public Service Commission on May 31, 2016, from Danny Schall at North Dakota Pipeline Company, of Minot, ND, Case Number PU-16-214. The location of the incident identified in the complaint is approximately GPS location 48.239442, -101.126233 near Surrey, 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 June 15, 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 Keller Paving & Landscaping, 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

Enc: ND One-Call Complaint  
c: Danny Schall

2 PU-16-214 Filed: 6/1/2016 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 North Dakota Pipeline Company/Danny Schall	Street Address 2505 16th St. SW	City Minot	State and Zip Code ND, 58701
Telephone and Cell Phone Number 701-857-0815	Email Address danny.schall@enbridge.com		Date 5-24-2016
<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 Keller Paving	Street Address 1820 Hwy 2 Bypass East	City Minot	State and Zip Code ND, 58701
Telephone and Cell Phone Number 701-852-5030	Email Address		

## 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 checked="" 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 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: GPS location of violation: 48.239442, -101.126233, Surrey, ND.
Date and Time of Violation: 5-17-2016, 2:00PM
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>  Operator was digging with a backhoe within 10 feet of the pipeline, without a valid one-call ticket and without a North Dakota Pipeline Company representative on site. After discussion with the operator about the incident, the operator then executed a call to the one-call system.

## PART D – DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: Liquid crude oil pipeline, North Dakota Pipeline Company		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$0	Number of Customers Affected 0	
Other impact of event: Excavator was digging in the ROW with out a one-call ticket.		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 5-24-2016
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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