



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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Executive Secretary  
Darrell Nitschke

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June 8, 2016

Denbury Onshore, LLC  
c/o C T Corporation System  
314 E Thayer Ave  
Bismarck, ND 58501-4018

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

Dear Denbury:

Enclosed is a copy of a ND One-Call Complaint, against Denbury Onshore LLC, received by the North Dakota Public Service Commission on June 4, 2016, from Keith Ernst, at Ernst Trenching, Inc., of Fargo, ND, Case Number PU-16-253. The location of the incident identified in the complaint is approximately the intersection of 165<sup>th</sup> Avenue SW and 88<sup>th</sup> Street SW, near Marmarth, 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 22, 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 Denbury Onshore, LLC 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: Keith Ernst

2 PU-16-253 Filed: 6/8/2016 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 <i>Ernst Trenching</i>	Street Address <i>932 40<sup>th</sup> N Fargo</i>	City <i>Fargo</i>	State and Zip Code <i>ND 58104</i>
Telephone and Cell Phone Number <i>701-282-5983</i>	Email Address <i>KEE@midco.net</i>		Date <i>6-4-16</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>Denbury</i>	Street Address	City	State and Zip Code
Telephone and Cell Phone Number		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 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 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)

Location of Violation: *Along the route of ticket 16037533*

Date and Time of Violation: *5/7/16 and several days after*

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.  
*Denbury had two lines in here, they had no idea where they were at.*  
 Ticket #  
*16037533*

## PART D - DAMAGE

Fatalities <i>None</i>	Injuries <i>None</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:		
Please attach photos of Event Area or Damaged Facility		

## PART I - SIGNATURE

Signature of Person Filing Complaint <i>[Signature]</i>	Date <i>6-4-16</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