



Public Service Commission

State of North Dakota

COMMISSIONERS

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November 15, 2017

David Juma
JMAC Resources, Inc.
121 48th Ave SW
Williston, ND 58801-9182

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

Dear Mr. Juma:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against JMAC Resources, Inc., received by the North Dakota Public Service Commission on November 13, 2017 from Lyric Rembrandt at B&G Oilfield Services of Williston, ND, Case Number PU-17-460. The location of the incident identified in the complaint is the intersection of Hwy 1806 and 38th St NW in Watford City, 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 December 4, 2017**, 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 JMAC Resources, 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 with any questions regarding this correspondence.

Sincerely,

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

Enc: ND One-Call Complaint with attachments
c: Lyric Rembrandt with attachments

2 **PU-17-460** Filed: 11/15/2017 Pages: 2
Letter enclosing North Dakota one-call complaint



ND ONE-CALL COMPLAINT

Public Service Commission

SFN 59067 (5-17)

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 B&G Oilfield Services / Lyric Rembrandt	Street Address 4814 Sunset Blvd	City Williston	State and Zip Code North Dakota, 58801
Telephone and Cell Phone Number 312.852.2653	Email Address lyric.rembrandt@bgoilfieldservices.net		Date 11.13.17
<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 JMAC Resources	Street Address 121 48th Ave SW	City Williston	State and Zip Code North Dakota, 58801
Telephone and Cell Phone Number 701.774.8511	Email Address info@jmacresources.com		

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 checked="" 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: Oasis Right-of-way by intersection of Highway 1806 and 38th St NW
Date and Time of Violation: 11.13.17, 11:30 a.m.
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 began excavating work site while I was locating utilities. Ticket was not closed, "work to begin date" is 11.15.17. I had marked one line and was in the process of marking another when operator began to excavate over the line I had just marked. Stopped the operator and asked for his 1-Call ticket number. Operator called his foreman and stated that his ticket number was 17156397, the ticket I was currently working on. I explained to the operator that he would need to cease all excavation procedures until I had finished.

PART D – DAMAGE

Fatalities	Injuries	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 Lyric Rembrandt	Date 11.13.17
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Submit

If the "Submit" function is not working properly, please print the completed form and then either **email to** ndpsc@nd.gov, **fax to** 701-328-2410 or **send to** Public Service Commission, 600 E Boulevard Ave Dept 408, Bismarck ND 58505-0480.

Telephone: (701) 328-2400