



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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April 17, 2018

Kevin L Johnson  
Gateway Building Systems, Inc.  
2138 Main Ave W  
West Fargo, ND 58078-1346

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

Dear Mr. Johnson:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Gateway Building Systems, Inc., received by the North Dakota Public Service Commission on April 16, 2018, from Emily Bridge, at North Dakota Pipeline Company LLC, of Branchton, Ontario, Case Number PU-18-124. The location of the incident identified in the complaint is approximately Township 155N Range 81W Section 16 the Southwest ¼ 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 May 1, 2018**, 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 Gateway Building Systems, 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  
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: Emily Bridge with attachments

2 **PU-18-124** Filed: 4/17/2018 Pages: 3  
**Letter enclosing North Dakota One-Call Complaint**

Public Service Commission



# 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 North Dakota Pipeline Company LLC / Emily Bridge	Street Address 1430 6th Concession Road W, RR2	City Branchton	State and Zip Code ON, Canada N0B 1L0
Telephone and Cell Phone Number 905-659-2081 / 289-439-3360	Email Address emily.bridge@enbridge.com		Date April 10, 2018
<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 Gateway Building Systems / Ross Klebe	Street Address 4600 N Broadway	City Minot	State and Zip Code ND 58703
Telephone and Cell Phone Number 701-852-4283 / 701-261-1703	Email Address rklebe@gatewaybuilding.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 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 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 checked="" 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: T155N R81W Section 16SW
Date and Time of Violation: 2018/04/03 Discovered at 8:35am
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>  Please see final page.

## PART D – DAMAGE

Fatalities 0	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: High pressure crude oil pipeline / Enbridge		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ No damages incurred.	Number of Customers Affected 0	
Other impact of event: Due to a lack of a one-call, pipeline could have been put at risk.		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint Emily Bridge	Date April 10, 2018
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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

**Description (summarize the observations on which you rely to allege the violation)**

April 3 @ 8:35am While driving the right-of-way (ROW), activity was noticed and Enbridge (operator of North Dakota Pipeline Company LLC) stopped to investigate. One cement pad had been installed and was covered while curing. A skidsteer operator was completing excavation for a second cement pad; other workers were preparing rebar. Enbridge told the skidsteer operator that there was no one-call issued for this work and that they were in close proximity to a high pressure crude oil pipeline. The operator stated they were only excavating to 18" for the cement pads and were advised by the landowner that there was nothing where they were installing the pads. Enbridge advised the need for a one-call so that Enbridge and other utilities could provide proper information. At this time their work was in excess of 20ft away from the pipeline; Enbridge marked the line, and took preliminary pictures.

April 3 @ 12:51pm one-call ticket 18012506 was created by Gateway Building Solutions for the work. April 4 @ 8:30am Enbridge revisited the site to inquire on a timeline for removal of dirt piles on top of the pipeline. Contractor (Gateway) on-site stated he was given Enbridge's contact information by Enbridge's Lands department and once a plan is in place the contractor will contact Enbridge to be on-site for that work. Contractor also stated that work on the first concrete pad had begun last week; sometime during March 26-March 30, 2018.

First Pad location is: NW Lat 48.240706 Lon -101.099873 NE Lat 48.240711 Lon -101.099744 Distance from pipeline: 20ft

Second Pad location is: NW Lat 48.240703 Lon -101.099657 NE Lat 48.240729 Lon -101.099307 Distance from pipeline: 27ft



**Legend:**

- Pipeline with Girth Weld Location 
- Rail Road ROW 
- Dirt Piles 
- Cement Pads 