Public Service Commission
State of North Dakota

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May 22, 2018

Tony Peterson
Cass County Soil Conservation
1665 43rd St S, Suite 103
Fargo, ND 58103-3319

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

Dear Tony:

Enclosed is a copy of a ND One-Call Complaint against Cass County Soil Conservation, received by the North Dakota Public Service Commission on May 18, 2018, from Tina Beach at CHS Inc, of Laurel, MT, Case Number PU-18-161. The location of the incident identified in the complaint is approximately Latitude 46.923, Longitude 96.927 across from 3310 14th St NW, West Fargo, 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 6, 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 Cass County Soil Conservation 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
c: Tina Beach with attachments

2 PU-18-161 Filed: 5/22/2018 Pages: 2
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	Street Address	City	State and Zip Code
CHS INC.	803 HIGHWAY 212 S	Laurel	MT 59044
Telephone and Cell Phone Number	**Email Address**		**Date**
406-628-5443	tina.beach@chsinc.com		05-18-18

☐ 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	Street Address	City	State and Zip Code
Tony Peterson, District Technician	1665 43rd Street S Suite	Fargo	ND 58103-3319
Telephone and Cell Phone Number		**Email Address**	
701-282-2157 Ext. 3		tony.peterson@nd.nacdnet.net	

PART C – ALLEGED VIOLATION

- ☐ Operator failed to provide or update the information provided to the notification center on a timely basis
- ☑ Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation
- ☑ Excavator failed to provide required information in excavation or location notice
- ☐ Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation
- ☐ Notification center failed to inform the excavator of the names of operators of underground facilities in the area
- ☐ Operator failed to locate and mark underground facility within 48 hours
- ☐ Excavation started prior to underground facility locate
- ☐ Operator failed to mark underground facility within 24 inches horizontally
- ☐ Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period
- ☐ Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities
- ☐ Excavator failed to maintain the markings during excavation
- ☐ Other (identify the specific section of NDCC Chapter 49-23) _____

Location of Violation:
46.923 Latitude, _96.927 Longitude. This is the land across from 3310 14th St. NW, West Fargo. Closest intersection is S. 32nd Ave and 14th St. NW.

Date and Time of Violation:
We were made aware of the violation on 5/16/2018 at 6:40pm

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.*

During our aerial inspection on 5-16-18; Aerial pilot observed what he thought maybe drain tilling occurring on the above specified property. Kyle Byre CHS Field Technician, recognized the area from a locate request made to do some fencing. So Kyle responded immediately to the area, where he found a vast amount of trees and a irrigation system for the trees had been installed. This activity had not been placed nor identified in the scope of the original locate ticket 18031103. Per Kyle's contact with the landowner Doug Kuhn, it was found out that Cass County Soil Conservation (CCSC) had installed the trees. Doug stated that Tony Peterson did the tree installation. Per our review no locate had been submitted by CCSC to install trees in this area.

PART D – DAMAGE

Fatalities	Injuries	In-patient Hospitalization
N/A	N/A	N/A

Underground facility type(s) and Operator(s) affected:
There was no damage to our 8" refined fuel products line traveling from Minot to Fargo, however there was the potential for damage.

Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): $	Number of Customers Affected
Pipeline was not damaged directly.	None

Other impact of event:
Per this event, CHS Inc. had employee and equipment time loss in ensuring safety of our operating system. Personnel and equipment costs-as of this date are $1, 337.80 to respond.

Please attach photos of Event Area or Damaged Facility

PART I – SIGNATURE

Signature of Person Filing Complaint	Date
Tina R. Beach	05/18/18

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