



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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Executive Secretary  
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600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

June 13, 2018

Frederica Smith  
Diamond Willow Energy, LLC  
301 1<sup>st</sup> Ave E  
New Town, ND 58763

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

Dear Frederica:

Enclosed is a copy of a ND One-Call Complaint against Diamond Willow Energy, LLC, received by the North Dakota Public Service Commission on June 8, 2018, from Monica Howard with Arrow Pipeline, LLC, of Houston, TX, Case Number PU-18-199. The location of the incidents identified in the complaint is approximately 47 deg, 43 min, 22.71 sec -102 deg, 20 min, 38.34 sec.

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 27, 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 Diamond Willow Energy, 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  
Public Utilities Division  
North Dakota Public Service Commission  
600 E Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480

Enc: ND One-Call Complaint  
c: Monica Howard

3 PU-18-199 Filed: 6/13/2018 Pages: 3  
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 Arrow Pipeline, LLC	Street Address 811 Main Street, STE 3400	City Houston	State and Zip Code TX 77002
Telephone and Cell Phone Number 713-380-3204	Email Address monica.howard@crestwoodlp.com		Date 06/07/2018
<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 Diamond Wilow Energy, LLC	Street Address 301 1st Ave E	City New Town	State and Zip Code ND, 58763
Telephone and Cell Phone Number 701-627-4831	Email Address unknown		

## PART C – ALLEGED VIOLATION

<input checked="" 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 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) <u>no one call was ever placed</u>
<b>Location of Violation:</b> within one mile of coordinates: 47 deg, 43 min, 22.72 sec; 102 deg, 20 min, 38.34 sec
<b>Date and Time of Violation:</b> discovered the morning of 06/07/2018
<b>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></b> An authorized contractor of Arrow's arrived on site to perform work and observed an unauthorized hole exposing existing Arrow pipelines. It is assumed to be the same contractor was that observed performing unauthorized excavation of Arrow pipelines the previous day at the request of the landowner. Arrow is investigating the amount of damage to the pipelines and will safely backfill the hole.

## PART D – DAMAGE

Fatalities none	Injuries none	In-patient Hospitalization none
Underground facility type(s) and Operator(s) affected: Arrow Pipeline, 1 gas pipeline, 1 crude pipeline, 1 water pipeline.		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ unknown at this time	Number of Customers Affected 1	
Other impact of event:  photos not readily available.		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint 	Date
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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](mailto: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



# 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 Arrow Pipeline, LLC	Street Address 811 Main Street, STE 3400	City Houston	State and Zip Code TX 77002
Telephone and Cell Phone Number 713-380-3204	Email Address monica.howard@crestwoodlp.com		Date 06/07/2018
<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 Diamond Willow Energy, LLC	Street Address 301 1st Ave E	City New Town	State and Zip Code ND, 58763
Telephone and Cell Phone Number 701-627-4831	Email Address unknown		

## PART C – ALLEGED VIOLATION

<input checked="" 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 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) <u>no one call was ever placed</u>
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### Location of Violation:

within one mile of coordinates: 47 deg, 43 min, 22.72 sec; 102 deg, 20 min, 38.34 sec

### Date and Time of Violation:

discovered at approximately 1:30PM CST on 06/06/2018

### 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.*

One of Arrow's inspectors observed a hydrovac exposing existing Arrow pipelines. When the inspector approached the crew, the crew responded that they were intentionally exposing the pipelines as a favor to the landowner, Ms. Mandan. The crews were shut down. Arrow is investigating the amount of damage to the pipelines and will safely backfill the hole.

## PART D – DAMAGE

Fatalities none	Injuries none	In-patient Hospitalization none
Underground facility type(s) and Operator(s) affected: Arrow Pipeline, 1 gas pipeline, 1 crude pipeline, 1 water pipeline.		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ unknown at this time	Number of Customers Affected 1	
Other impact of event:  photos not readily available.		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 6/7/18
--	----------------

Submit

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