



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
Telephone and Cell Phone Number	Email Address		Date
<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	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 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:
Date and Time of Violation:
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>

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	Date
--------------------------------------	------

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

PSC Complaint against Craig Suhr. 08-23-18.

Continued from electronic submittal form.... he also stated, he knows exactly where that pipeline is, and it is very deep. When I talked to him about the fact we just put an above ground block valve in and fenced it and put the signs on every side of the chain linked fence that have the international no digging sign and the call before you dig sign on it we weren't just suggesting it. He stated he knew it was there but again, he was not doing any digging. I advised we expect him to call if he is doing anything besides normal farming. He then proceeded to tell me he also does excavating and cleaning out drainage ditches is not digging, and he knows when to make a one call. I advised I disagreed with this. I am concerned that Mr. Suhr's inability to see the importance of calling before he is digging in this section of land will continue, he was very self-justified and basically felt he had every right to do what he was doing without notifying us. I advised him pipelines change depth of cover constantly with the erosion process. Our field staff believe that Mr. Suhr removed at least 10 to 15 inches of cover in some places. Although our line is between 3 and 4 feet in this area, this type of action has now decreased cover to 2-3 feet. Please see the attached photos. We do believe that Mr. Suhr was looking to maintain drainage in 2 of the 3 areas where he crossed us. One area does not appear to have been a drainage and it appears he violated the one call law especially in this area. If Mr. Suhr had acknowledged his actions were risky and that he would call 811 in the future, we would not have filed this complaint. But his indifference to this matter and blatantly stating he will continue to do it is very alarming to us and we believe it is critical that the PSC establish that the work he was doing is considered digging and not typical farming practices and he should have called will be the only way Mr. Suhr will recognize he has a civil responsibility to his community to make the free call. See attached photos. The red and green areas are the Cenex Pipeline, the blue areas are the areas where Mr. Craig sure was moving soil off the top of the pipeline or crossing over the pipeline area. The next photo you see BV 210.1 is the new above ground block valve that he added a drainage ditch within 100 feet of with no one call. It does not appear that he was maintaining a drainage ditch it appears he was blatantly making a point with the new above ground block valve. Mr. Suhr leases this land and did not get paid for any damages, all settlements went to the land owner.



