



Public Service Commission

State of North Dakota

COMMISSIONERS

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August 28, 2018

Craig Suhr
1641 Hwy 38
Paige, ND 58064

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

Dear Craig:

Enclosed is a copy of a ND One-Call Complaint, with attachment, against you, received by the North Dakota Public Service Commission on August 28, 2018, from Tina Beach with Cenex Pipeline, LLC, of Laurel, MT, Case Number PU-18-311. The location of the incident identified in the complaint is approximately Township 142N, Range 54W, SW1/4 of Section 6, near Paige, 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 September 12, 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 you 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: Tina Beach with attachment

2 PU-18-311 Filed: 8/28/2018 Pages: 5
Letter enclosing North Dakota One-Call Complaint

Public Service Commission

Victor Schock



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 Tina R. Beach	Street Address 803 Hwy 212 S.	City Laurel,	State and Zip Code MT 59044
Telephone and Cell Phone Number 206-445-4121	Email Address tina.beach@chsinc.com	Date 08/28/2018	
<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 Craig Suhr	Street Address 1641 Hwy 38	City Paige	State and Zip Code ND 58064
Telephone and Cell Phone Number 701-429-8116	Email Address not available		

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 checked="" type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) <u>Failed to make a locate request or use the 811 system.</u>
Location of Violation: Twn 142 N Range 54 W, Sec 6 SW Quarter Section in Cass County. North of 19th St. SE, South of Railroad tracks.
Date and Time of Violation: August 23rd of August estimated that morning do not know exact time we found out after the fact.
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> On 23rd of August Aerial inspection reported dozer or scraper in the field and it had appeared it had crossed us on several occasions. Field staff was dispatched to find the that within 100 feet of our new block valve 210.1, the leasee had driven over us on three occasions. With the new signage and fenced block valve signage in place, field staff stated, whoever did this is either upset with us or just plain ignorant. The individual doing the work appeared to be making the drainage ditches larger and were scraping off about a foot of cover. They crossed Cenex pipeline on 3 occasions. After contacting landowner- Walter and Karen Treitline, it was made clear that they lease this land to their nephew Craig Suhr. After explaining our concern to the landowner he provided me his nephews number. When trying to discuss the situation with Mr. Suhr he made it clear he does excavation work regularly and understands the 811 system and he didn't feel he needed to make a call in this situation as he felt he was doing normal farm work. See attached.

PART D – DAMAGE

Fatalities Cenex Pipeline LLC	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: Cenex Pipeline Refined Products line, emergency shut down was incorporated until the threat had been cleared one hour. Personnel dispatch from Minot ND, estimated cost		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ No damages just personnel and vehicle usage to clear the threat.		Number of Customers Affected none.
Other impact of event: Besides loss time for product movement, we also have a field staff and vehicle dispatched out of Minot, teleconferences were held with Control Room Supervisor, Controller, V.P. of Operations, President, and myself have all had to take time to assess the situation restart the line, reach out to educate Mr.Suhr.		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Tina R. Beach, Public Awareness Specialist for CHS Inc.	Date 08/28/2018
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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

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.



