

Loenbro Pipeline, LLC
5831 123rd Drive NW Suite 100
Epping, ND 58843

09/11/2018

Darrell Nitschke, Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue, Dept 408
Bismarck, ND 58505-0480

Re: ND One-Call Complaint, Case Number PU-18-321

Dear Darrell Nitschke,

This letter is intended to represent our statement regarding the claims against Loenbro. It is also a representation of our planned corrective action regarding the complaint made against Loenbro involving Oneok and the work that took place on right-of-way located in section 4 of 151N 98W, McKenzie County, North Dakota.

First, safety is our top priority when we set out to install a pipeline, nothing is more important than the safety of our workers. Our second priority is to maintain the integrity of our product, and to ensure that we do not disrupt the integrity of other companies' existing utilities.

On August 24th, 2018 Adrian Garcia was excavating mainline trench on our ROW in section 4 of 151N 98W, McKenzie County, ND. The trench route was staked to end at an existing bore that was installed back in the fall of 2017. The purpose of that bore was to cross the northern 2 existing east-west Oneok lines. The south Oneok line (in the group of 3) was installed after our bore was finished and was positioned below our existing bore pipe. The attached sketch shows the Oneok pin flag orientation at the time of excavation (in yellow). As Adrian was digging the south end of the bore up, a Oneok representative stopped by to express concern that we had dug over their line (shown in red on the attached sketch) and that we were digging too close to their existing lines that were crossed with the bore. Adrian stopped work and notified the superintendent, Gary Wood, of the issues. Upon inspection of the map with the Oneok representative, it was decided that the locator need to be called back out to verify the flagging and hydrovac was needed for verification of the lines. The line crossing at the south end of the existing bore was verified to be 17 feet deep and 3 feet north of where we were excavating for our south bore tie-in. The line we were accused of digging over ended up not existing. The representative and locator had different pipeline routing to the valve set shown on their respective maps.

We would like to take a minute and specifically address both alleged violations of the North Dakota Century Code 49-07-01.1. It has been alleged that we failed to provide at least 48 hours of notice prior to excavation. Attached to this letter is a copy of the One Call Ticket 18106162 and the Positive Response Email where Oneok states they have their facilities marked. The excavation occurred on

8/24/18 which is well beyond the work to begin date of 8/17/18 specified on the One Call Ticket. After we received the positive response, there was no additional communication with Oneok because the excavation was not planned to cross their utilities or enter their 24-inch buffer zone. It has also been alleged that we failed to conduct our excavation in a careful and prudent manner to avoid damage of underground facilities. There was no damage caused to their utility line and Marks' statement that we were digging directly over their marked line is somewhat misleading. The excavator was sitting over their line and it had not been spotted with the hydrovac when the Oneok representative first arrived, but the actual dirt excavation was never any closer than 3 feet to their line when measured on the horizontal plane. The Century Code defines careful and prudent manner as manually excavating within 24 inches of the outer edges of any underground facility on a horizontal plane as located and marked by the owner/operator, we were excavating outside of that 24-inch zone.

On Friday, September 7, 2018 a meeting between Loenbro and Oneok representatives took place at Loenbro's laydown yard near Watford City, ND to discuss this incident. Representatives from both parties agreed that future incidents like this can be avoided by taking minor corrective actions. One thing that everyone agreed on was that open lines of communication will make work in the field much safer and prevent future misunderstandings. When Loenbro is to cross any Oneok lines in the future, field supervisors will ensure that representatives confirm utility locates, and approve planned excavation routes. Loenbro will require operator representatives to sign in and out onsite at all future line crossings to verify representation. Also, before crossings take place, Loenbro will send Oneok our completed one call verification forms to verify that all utility operators located within the ROW have been contacted, and line locates have been verified.

Loenbro would also like propose an annual event where contractors and utility operators can meet to discuss challenges and expectations they encounter during construction. This would be a good opportunity for operators and contractors to gather and discuss any polices that have been put in to place and offer up suggestions to make the work environment safer for everyone involved.

Please contact me at 406-403-5148 or at cdietz@loenbro.com with any questions regarding this statement.

Sincerely,

Chad Dietz

Chad Dietz
Loenbro Pipeline, LLC
5831 123rd Drive NW Suite 100
Epping, ND 58843

Enc: Incident Area Sketch
One Call Ticket 18106162
Ticket Check Status Email
ND One Call Letter
ND One Call Complaint

Incident Area Sketch





Not to Scale

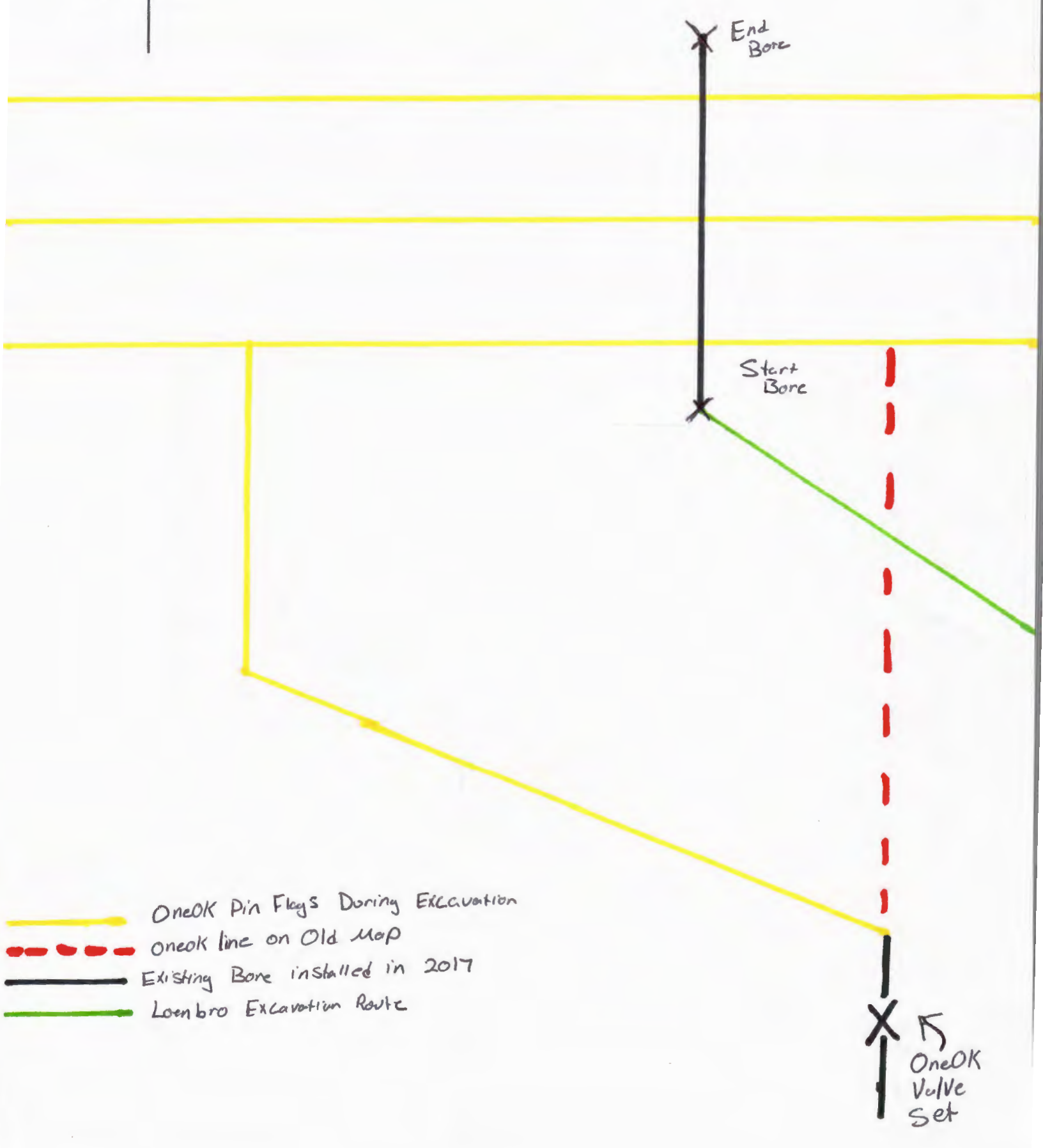


End Bore

Start Bore

OneOK Valve Set

-  OneOK Pin Flags During Excavation
-  oneok line on Old Map
-  Existing Bore installed in 2017
-  Loenbro Excavation Route



From: nd@occinc.com
To: [Leigh Bush](#)
Subject: Ticket: 18106162
Date: Tuesday, August 14, 2018 5:06:24 PM

NORTH DAKOTA ONE CALL

You can check that the ticket information and mapping location are correct, and that no work will take place outside the area indicated on the map, by [clicking on the TicketLINK](#). Should any changes be needed, you can use the 'Update' or 'Correct' Ticket functions on ITIC.

The map is ONLY used to determine which facility operators may have facilities in your dig area. The Utilities do NOT receive a copy of this map. The precise excavation area and scope of work MUST be described in the extent of work field on the ticket.

The [TicketLINK](#) may also be used to view utility status, request a 'Relocate' or 'Cancel' a request. If you have any questions, call 563-884-7762.

Ticket Summary

NOTICE OF INTENT TO EXCAVATE **LORO ROUTINE**

Request #: 18106162

Original Call Date: 08/14/18 **Time:** 5:05 PM CT **Type:** WEB

Work to Begin Date : 08/17/18 **Time:** 12:01 AM CT

Work to Begin Date : 08/17/18 **Time:** 12:01 AM CT

Work Information

Location: County: MCKENZIE **City:** WATFORD CITY **City Limits:** N

Address / Street: 0 35TH ST NW

Near Intersection: 123RD AVE NW

CallerTwp: 151N **Rng:** 98W **Sect-Qtr:** 4-SW-NW-SE

Map Twp: 151N **Rng:** 98W **Sect-Qtr:** 4-SW-NW-SE

Excavation Type: **Depth:** 10FT **Explosives:** N **Tunneling/Boring:** Y

White Lining: PROJECT STAKING

Type of Work: INSTALLATION OF POLY PIPELINE

Extent of Work:

MARK ALL UTILITIES WITHIN A 100 FT. RADIUS OF PROPOSED PIPELINE CENTERLINE STAKES. STAKES ORIGINATE IN SQ 4-NW AND TRAVEL SOUTH FOR APPROXIMATELY 2/3 MILE. STAKES THEN TURN EAST AND RUN FOR APPROXIMATELY 1 MILE. CONTACT LANCE GROVE (701-208-0569) WITH QUESTIONS REGARDING LOCATE REQUEST SEE ATTACHED ALIGNMENT SHEETS FOR REFERENCE TICKET 1 OF 7 GO TO [LINK](#) TO OBTAIN ADDITIONAL INFORMATION THAT WAS PROVIDED BY THE EXCAVATOR REGARDING THIS LOCATION.

Remarks:

CALLER REQUESTS AREA BE MARKED WITH PAINT AND FLAGS

Caller Information

Company: LOENBRO **Call Back:**

Address: 1900 32ND AVE NE; BLACK EAGLE, MT 59414

Contact Email: lbush@loenbro.com

Work For: BNN WATER

Contact Name: LEIGH BUSH **Phone:** 307-254-0921

Type: CONTRACTOR **Fax:** 406-453-1472

Alt. Contact: LANCE GROVE Phone: 701-208-0569

Members Notified:

Code	COMPANY NAME	Phone	Code	COMPANY NAME	Phone
BEARPW01	- ONEOK ROCKIES MIDS	(800)778-7831	KMHLND7	- KINDER MORGAN/HILA	(701)580-7683
MCKENZ02	- MCKENZIE ELECTRIC	(701)580-8573	OASISP01	- OASIS PETROLEUM	(701)713-5511
RSVTEL01	- RESERVATION TELEPH	(701)862-3118	WDW01	- WEST DAKOTA WATER,	(701)651-7808
XTOEGY01	- XTO ENERGY	(406)478-1539			

Location Information

Number of Excavation Locations: 1

Below are the farthest NW and SE coordinates of the Excavation Polygon(s). Please use "Link to Tkt" to access all points.

Poly 1: NW Lat: 47.9346090 Lon: -103.2412350 SE Lat: 47.9201270 Lon: -103.2194310

Excavator Responsibilities

- * If there are any private underground facility operators in the excavation area, you should notify them directly.
- * Per North Dakota Century Code, it is the responsibility of the ticket holder to remove all tangible marking material (ex - pin flags) upon completion of the excavation. Failure to comply is subject to penalties and fines up to \$25,000.

Chad Dietz

From: Leigh Bush
Sent: Monday, September 10, 2018 5:14 PM
To: Chad Dietz
Subject: Fwd: Ticket Check Status for ND Ticket 18106162

Get [Outlook for iOS](#)

From: nd@occinc.com <nd@occinc.com>
Sent: Saturday, August 18, 2018 6:26:49 PM
To: Leigh Bush
Subject: Ticket Check Status for ND Ticket 18106162

Ticket Number: 18106162

Location: 35TH ST NW WATFORD CITY, ND

As of 8/18/18 18:26 CDT, participating facility owners have responded to Ticket Check as follows:

District Code	Status
ONEOK ROCKIES MIDSTREAM, LLC	Marked
KINDER MORGAN/HILAND	Marked
MCKENZIE ELECTRIC COOPERATIVE	Clear/No conflict
OASIS PETROLEUM	Marked
RESERVATION TELEPHONE	Marked If you have any questions you can contact Rodney Bennett w RTC @ 205-300-0040.
WEST DAKOTA WATER, LLC.	Marked WDW line is marked. For questions regarding this locate request please contact Jessica at 701-651-7808.
XTO ENERGY	Clear/No conflict Centerline work per ticket notes, not affecting XTO locations or utilities. Deidre Berquist 701-934-3594

To review this ticket in its entirety, visit Search and Status ® on www.managetickets.com.



Public Service Commission
State of North Dakota

COMMISSIONERS

Randy Christmann
Julie Fedorchak
Brian Kroshus

Executive Secretary
Darrell Nitschke

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

August 31, 2018

Lance Grove
Loenbro
1709 N 19th St, Suite 3
Bismarck, ND 58501-2121

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

Dear Lance:

Enclosed is a copy of a ND One-Call Complaint, against Loenbro, received by the North Dakota Public Service Commission on August 27, 2018, from Mark Zimprich, at Oneok, of Watford City, ND, Case Number PU-18-321. The location of the incident identified in the complaint is approximately Township 151N, Range 98W, the SW ¼ of Section 4, near Watford City, 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 17, 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 Loenbro 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: Mark Zimprich



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 Oneok/Mark Zimprich	Street Address 12268 26F St. NW Suite D	City Watford City	State and Zip Code 58854
Telephone and Cell Phone Number 701-590-5674	Email Address mark.zimprich@oneok.com	Date 27 August 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 Loenbro/ Gary	Street Address 5831 123rd Drive NW	City Epping	State and Zip Code ND
Telephone and Cell Phone Number 406-283-1611	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 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 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: Township 151N Range 98W Section SW4...West of Hwy 1806 and north of 35th St. NW
Date and Time of Violation: 8/24/2018 1500hrs
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> Excavating company failed to spot our utility and began digging directly over our clearly flagged line without having a Oneok rep. on sight. Ticket number 18106162

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 Mark Zimprich	Date 27 August 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