

Memorandum

To: Commissioners Christmann, Fedorchak and Kroshus

From: Victor Schock Public Utility Analyst

VS

Date: February 12, 2019

Re: ND One-Call Complaint
Case No. PU-18-321

On August 27, 2018, a ND One-Call Complaint was received from Mark Zimprich with Oneok Rockies Midstream (ONEOK) alleging that Loenbro Pipeline, LLC (Loenbro) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to provide an excavation notice at least 48 hours before beginning an excavation.

On August 31, 2018, Staff forwarded a copy of the complaint to Loenbro requesting a response. Loenbro's response asserted that they did in fact have a valid One-Call ticket for their excavation and proper excavation procedures were followed. Staff forwarded the response to ONEOK requesting their feedback. After reviewing and discussing the rebuttal evidence, ONEOK conceded that they no longer believe Loenbro was in violation and did not have any additional evidence to provide.

Based on its investigation staff does not intend to file a formal complaint, recommends that no further action be taken, and the case be closed.