



Public Service Commission

State of North Dakota

COMMISSIONERS

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Executive Secretary
Darrell Nitschke

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Bismarck, North Dakota 58505-0480
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September 19, 2018

Mark Zimprich
ONEOK Rockies Midstream
12268 26F St NW, Suite D
Watford City, ND 58854

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

Dear Mark:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against ONEOK, received by the North Dakota Public Service Commission on September 14, 2018, from Donnie Gillett, at Loebro Pipeline LLC, of Epping, ND, Case Number PU-18-346. The location of the incident identified in the complaint is approximately near the intersection of State Hwy 23 and 123rd Ave NW 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 October 4, 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 ONEOK 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: Donnie Gillett with attachments

2 **PU-18-346** Filed: 9/19/2018 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 Loenbro Pipeline / Donnie Gillett	Street Address 5831 123rd Drive NW	City Epping	State and Zip Code ND 58843
Telephone and Cell Phone Number Cell 307-254-0110	Email Address DGillett@loenbro.com		Date 9/13/2018
<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 Oneok / Mark Zimprich	Street Address 12268 26F St. NW Suite D	City Watford City	State and Zip Code ND 58854
Telephone and Cell Phone Number 701-590-5674	Email Address mark.zimprich@oneok.com		

PART C – ALLEGED VIOLATION

Operator failed to provide or update the information provided to the notification center on a timely basis
 Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation
 Excavator failed to provide required information in excavation or location notice
 Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation
 Notification center failed to inform the excavator of the names of operators of underground facilities in the area

Operator failed to locate and mark underground facility within 48 hours
 Excavation started prior to underground facility locate

Operator failed to mark underground facility within 24 inches horizontally
 Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period
 Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities
 Excavator failed to maintain the markings during excavation
 Other (identify the specific section of NDCC Chapter 49-23) _____

Location of Violation:
Through section quarter 27-NW-NE-SE, in to section quarter 34-NE of 150N 98W

Date and Time of Violation:
September 8th at 13:00 hours

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.*
 On August 24th, 2018 a one call was submitted for pipeline installation through section quarter 27-NW-NE-SE, in to section quarter 34-NE of 150N 98W. (One Call is attached)
 The one call work to begin date is August 29th, 2018. Ticket Check Status cleared 8/29/2018 with Oneok listed as marked. Loenbro called Oneok representative on Saturday, September 8th at around 13:00 to schedule a line crossing for Monday, Sept. 10th. The job supervisor observed that the Oneok locator had only marked one of the two Oneok lines to be crossed. Loenbro then called Oneok to send someone out to mark the second line, and Oneok responded that they could not send someone until Monday, Monday, Sept. 10th. Oneok representative Will came to the ROW and marked the second line at around 08:40.

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: Bore crew and support crew had to wait on additional line to be marked and hydrovac verification Monday morning. A vac truck had to be pulled from another spread on the project to verify the locate so the bore crew could complete the line crossing bore.		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Donnie Gillett	Date 9/13/2018
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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

Chad Dietz

From: nd@occinc.com
Sent: Friday, August 24, 2018 5:16 PM
To: Leigh Bush
Subject: Ticket: 18114126

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 LORQ ROUTINE
Request #: 18114126
Original Call Date: 08/24/18 **Time:** 5:12 PM CT **Type:** WEB
Work to Begin Date : 08/29/18 **Time:** 12:01 AM CT
Work to Begin Date : 08/29/18 **Time:** 12:01 AM CT

Work Information

Location: County: MCKENZIE **City:** WATFORD CITY **City Limits:** N
Address / Street: 0 STATE HWY 23
Near Intersection: 123RD AVE NW
CallerTwp: 150N **Rng:** 98W **Sect-Qtr:** 27-NW-NE-SE, 34-NE
Map Twp: 150N **Rng:** 98W **Sect-Qtr:** 34,28-SE-NE,27,26-NW,23-SW,22-SW-SE

Excavation Type: **Depth:** 10FT **Explosives:** N **Tunneling/Boring:** Y
White Lining: PROJECT STAKING
Type of Work: INSTALLATION OF POLY PIPELINE

Extent of Work:

TRAVEL FROM THE ABOVE INTERSECTION GOING SOUTH FOR 1 MILE AND EAST FOR 1/4 MILE. MARK ALL UTILITIES WITHIN A 100 FT. RADIUS OF PROPOSED PIPELINE CENTERLINE STAKES. STAKES ORIGINATE AT VALVE SET STAKING IN SQ 27-NW AND CONTINUE EAST FOR APPROXIMATELY 3/4 OF A MILE, STAKES THEN TURN AND RUN SOUTH FOR JUST OVER 3/4 OF A MILE. CONTACT LANCE GROVE (701-208-0569) WITH QUESTIONS REGARDING LOCATE REQUEST. SEE ATTACHED ALIGNMENT SHEETS FOR REFERENCE TICKET 1 OF 2

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
AWSLLC01	- AWS3, LLC	(701)746-8087	BEARPW01	- ONEOK ROCKIES MIDS	(800)778-7831
DPL02	- ENERGY TRANSFER	(713)989-7050	HESSCO01	- HESS CORPORATION	(701)664-6365
KMHLND9	- KINDER MORGAN/HILA	(701)580-7683	MCKENZ01	- MCKENZIE ELECTRIC	(701)204-6711
MCKWTR01	- MCKENZIE COUNTY RU	(701)842-2821	OASISP01	- OASIS PETROLEUM	(701)713-5511
RSVTEL01	- RESERVATION TELEPH	(701)862-3118	SADDLE01	- TARGA BADLANDS LLC	(701)580-6118
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: 47.7899163 **Lon:** -103.2190332 **SE Lat:** 47.7680588 **Lon:** -103.1975967

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: nd@occinc.com
Sent: Wednesday, August 29, 2018 4:16 PM
To: Leigh Bush
Subject: Ticket Check Status for ND Ticket 18114126

Ticket Number: 18114126
Location: STATE HWY 23 WATFORD CITY, ND

As of 8/29/18 16:15 CDT, participating facility owners have responded to Ticket Check as follows:

District Code	Status
AWS3, LLC	Marked
ONEOK ROCKIES MIDSTREAM, LLC	Marked
ENERGY TRANSFER	Marked
HESS CORPORATION	Clear/No conflict
KINDER MORGAN/HILAND	Marked
MCKENZIE ELECTRIC COOPERATIVE	Marked
MCKENZIE COUNTY RURAL WATER	Marked
OASIS PETROLEUM	Marked
RESERVATION TELEPHONE	Clear/No conflict
TARGA BADLANDS LLC	Marked Targa line marked, for questions pertaining to this locate request contact Joseph at 915-500-0858. This locate request is an encroachment, a Targa representative must be on site when crossing, daylighting, matting and working on Targa right of way. To sc
XTO ENERGY	Clear/No conflict Cleared, ticket notes refer to centerline work and no XTO locations utilities affected. Deidre Berquist 701-934-3594

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

Chad Dietz

From: Lawrence Getz <lawrence.getz@bgoilfieldservices.net>
Sent: Thursday, August 30, 2018 9:45 AM
To: Leigh Bush
Cc: Shaylee Stuen; kenneth.winter@oneok.com; patrick.greenfield@oneok.com
Subject: Oneok Rockies Midstream Line Crossing

Ticket #

18114126, 18114118

Hwy 23 and 123rd Ave Nw

150N 98W

Section- 22, 27, 34

Installation of poly pipeline

3 crossings

No need to reply. This email is for Record purposes only.

The listed one call ticket has been flagged for OneOk. If you have any questions feel free to call myself at the number provided below.

****For ANY Line Crossings, or if you will be digging within 25 feet of our line, OneOk needs to be notified 24 hours prior to digging. If you need to contact OneOk for a crossing in the area covered by this ticket, please contact Pat Greenfield (701-713-2507) or Ken Winter (701) 260-3830.**

Lawrence Getz - 701-339-6604