



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 Loebro Pipeline / Donnie Gillett	Street Address 5831 123rd Drive NW	City Epping	State and Zip Code ND 58801
Telephone and Cell Phone Number Cell: 307-254-0110	Email Address DGillett@loebro.com		Date 9/17/18
<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

<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 checked="" 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: Township 151N, Range 99W; Sect-Qtr: 29-NE, 28-NW, 28-NE, 27-NW
Date and Time of Violation: 9/13/18 12:01AM
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> Oneok failed to locate utility within 48 hours of locate request. One call was placed on 09/10/18, with work to begin date 09/13/18. On 09/13/18 our ROW had Oneok lines that were not marked. Locater showed up to finish utility locate at 01:30 PM and finished marking line at 02:45 PM on 09/14/2018. Mark Zimprich has stated that locater's attempts to contact Gary Wood were unsuccessful. Our call logs and the positive response email dispute that claim, Gary has call logs showing contact was made with Lawrence at 05:56 PM on 09/13/18, and contact with Heather at 01:24 PM on 09/12/18.

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: Our Hydrovac and ROW clearing operations had to be placed on standby for 2 days causing delays and additional costs on the project.		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Donnie Gillett	Date 9/17/18
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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: Monday, September 10, 2018 4:28 PM
To: Estefania Roy
Subject: Ticket: 18124581

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 #: 18124581
Original Call Date: 09/10/18 Time: 4:11 PM CT Type: WEB
Work to Begin Date : 09/13/18 Time: 12:01 AM CT
Work to Begin Date : 09/13/18 Time: 12:01 AM CT

Work Information

Location: County: MCKENZIE City: SOUTHWEST MCKENZIE UT City Limits: N
Address / Street: 0 32ND ST NW
Near Intersection: 130TH AVE NW
CallerTwp: 151N Rng: 99W Sect-Qtr: 29-NE, 28-NW, 28-NE, 27-NW
Map Twp: 151N Rng: 99W Sect-Qtr: 29-NE,28-NW-NE,27-NW

Excavation Type: Depth: 10FT Explosives: N Tunneling/Boring: Y
White Lining: OTHER
Type of Work: PIPELINE INSTALLATION

Extent of Work:

MARK ALL UTILITIES WITHIN 200 FT RADIUS OF PROPESED PIPELINE CENTER STAKES. STAKES ORIGINATE AT TOBACCO GARDENS #31 -29SEH, #31-29NEH, #31X-29C, #31X -29CXD & 31X-29D WELL PAD, LOCATED AT THE NORTH EAST QUARTER OF SECTION 29 IN TOWNSHIP 151N RANGE 99W. APPROXIMATELY .032 MILES WEST FROM THE INTERSECTION OF 130TH AVE NW AND 32NST ST NW. ON THE SOUTH SIDE OF 32ND ST NW. ROW START AT THE SOUTH OF WELL PAD AND HEADS EASTWARD FOR APPROXIMATELY 1.7 MILES. CONTRACTOR WILL INSTALL 4IN POLY AND FIBER OPTIC CABLE. WILL BORE UNDER ROAD AND LINE CROSSINGS.PLEASE CONTACT GARY WOODS (406-283-1611) WITH QUESTIONS REGARDING LOCATE REQUEST

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: eroy@loenbro.com
Work For: BNN
Contact Name: ESTEFANIA ROY Phone: 406-564-5750
Type: CONTRACTOR Fax: 701-859-2101
Alt. Contact: GARY WOOD Phone: 406-283-1611

Members Notified:

Code	COMPANY NAME	Phone	Code	COMPANY NAME	Phone
BEARPW01	- ONEOK ROCKIES MIDS	(800)778-7831	BUCKES01	- BUCKHORN ENERGY SE	(701)609-4469
KMHLND5	- KINDER MORGAN/HILA	(701)580-7683	MCKENZ01	- MCKENZIE ELECTRIC	(701)204-6711
MCKWTR01	- MCKENZIE COUNTY RU	(701)842-2821	RSVTEL01	- RESERVATION TELEPH	(701)862-3118
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: 47.8768690 Lon: -103.3773826 SE Lat: 47.8754729 Lon: -103.3386040

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: Thursday, September 13, 2018 6:38 PM
To: Estefania Roy
Subject: Ticket Check Status for ND Ticket 18124581

Ticket Number: **18124581**
Location: 32ND ST NW SOUTHWEST MCKENZIE UT, ND

As of 9/13/18 18:38 CDT, participating facility owners have responded to Ticket Check as follows:

District Code	Status
ONEOK ROCKIES MIDSTREAM, LLC	Not Complete/In Progress: Locator has spoken with the excavator and made arrangements.
BUCKHORN ENERGY SERVICES, LLC	Clear/No conflict
KINDER MORGAN/HILAND	Marked
MCKENZIE ELECTRIC COOPERATIVE	Marked
MCKENZIE COUNTY RURAL WATER	Marked bc
RESERVATION TELEPHONE	Marked If you have any questions you can contact Rodney Bennett w RTC @ 205-300-0040.
XTO ENERGY	Clear/No conflict Current staked proposed route cleared, no XTO utilities affected as lines are above ground in work area. Deidre Berquist 701-934-3594

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