



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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Bismarck, North Dakota 58505-0480  
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Fax: 701-328-2410  
TDD: 800-366-6888 or 711

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 17, 2018, from Donnie Gillett, at Loebro Pipeline LLC, of Epping, ND, Case Number PU-18-347. The location of the incident identified in the complaint is Township 151N, Range 99W, NE1/4 of S29, N1/2 of S28 and NW1/4 of S27, 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](mailto: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-18-347 Filed: 9/19/2018 Pages: 4  
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<br>Loebro Pipeline / Donnie Gillett   | Street Address<br>5831 123rd Drive NW | City<br>Epping | State and Zip Code<br>ND 58801 |
| Telephone and Cell Phone Number<br>Cell: 307-254-0110  | Email Address<br>DGillett@loebro.com  |                | Date<br>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<br>Oneok / Mark Zimprich         | Street Address<br>12268 26F St. NW Suite D | City<br>Watford City | State and Zip Code<br>ND 58854 |
| Telephone and Cell Phone Number<br>701-590-5674 | Email Address<br>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<br><input type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation<br><input type="checkbox"/> Excavator failed to provide required information in excavation or location notice<br><input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation<br><input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area<br><input checked="" type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours<br><input type="checkbox"/> Excavation started prior to underground facility locate<br><input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally<br><input type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period<br><input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities<br><input type="checkbox"/> Excavator failed to maintain the markings during excavation<br><input type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____ |
| Location of Violation:<br>Township 151N, Range 99W, Sect-Qtr: 29-NE, 28-NW, 28-NE, 27-NW   |
| Date and Time of Violation:<br>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><br><br>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.<br><br>Mark Zimprich has stated that locater's attempts to contact Gary Wood were unsuccessful. Our call logs and the positive response email dispute that clam. 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:<br>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<br>Donnie Gillett | Date<br>9/17/18 |
|--|-----------------|

**Submit**

If the "Submit" function is not working properly, please print the completed form and then either **email to** [ndpsc@nd.gov](mailto: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**      LORQ 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 PROPOSED 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 | RSVTLO1  | - 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**

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**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](http://www.managetickets.com).