



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
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 19, 2018, from Donnie Gillett, at Loebro Pipeline LLC, of Epping, ND, Case Number PU-18-349. The location of the incident identified in the complaint is Township 155N, Range 99W, N1/2 of S14, near Epping, 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-18-349** Filed: 9/19/2018 Pages: 7  
**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 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 9/18/18
<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 checked="" 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 155N, Range 99W; N1/2, NW1/4, SEC 14
Date and Time of Violation: 8/8/18 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> Please see attached

## 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: Attempts to locate the line added approx. 12 additional hydrovac hours to project costs and delays to work flow on the ROW.		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint Donnie Gillett	Date 9/18/18
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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](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

**Description:**

During the initial One Call request (Ticket #18098066) Oneok marked one pipeline at station 45+68 with pin flags (see attached alignment sheet page). After mowing, cutting ROW, and setting mats, we made a refresher one call (Ticket #18107428) to have visible utility markings again. After we requested the marking refresher, Oneok re-marked 14" gas line they had marked on the first ticket and they also marked an additional line 25' to the east of 14" that was not marked when the first ticket was cleared. We then called the hydrovac truck in to verify the line crossings. The original Oneok line that had been marked on both tickets was able to be located as marked. We hydrovaced a trench 8' deep and 10' across the second line they had flagged and were unable to locate the second line. We contacted Oneok and asked for more info on the line, they informed us it was a 4" abandoned line and could not confirm the location or depth. They suggested searching within 10' of the 14" line we found. we brought the hydrovac truck back out to try again and were unable to locate the line on the second attempt also. We called Kendrall with Oneok again and he sent Wade out within 48 hours to re-locate the line. We called the hydrovac truck back to that location and spent another couple of hours searching for it where he placed flags. Hydrovac opened a trench 6' deep and 5' wide on the 3<sup>rd</sup> suggested location and was unsuccessful in locating the line. After being notified of the third unsuccessful attempt, Kendrall came out and placed a new set of marking flags between two of our previous holes and the line was located.



**Chad Dietz**

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**From:** nd@occinc.com  
**Sent:** Saturday, September 15, 2018 2:53 PM  
**To:** Jaclyn Crowe  
**Subject:** Ticket-18098066

## North Dakota One Call

**Ticket No:** 18098066 **LORQ ROUTINE**

**Original Call Date:** 08/03/18 10:37 am  
**Work to Begin Date:** 08/08/18 12:01 am

**Caller Information**

<b>Company Name:</b>	LOENBRO	<b>Fax Phone:</b>	
<b>Contact Name:</b>	JJ POTVIN	<b>Phone:</b>	(406)836-0029
<b>Alt. Contact:</b>	ZAC FISHER	<b>Alt. Phone:</b>	(406)314-2058
<b>Caller Address:</b>	1900 32ND AVENUE NE BLACK EAGLE, MT 59414	<b>Caller ID:</b>	46317
<b>Email Address:</b>	jpotvin@loenbro.com		

**Dig Site Information**

**Type of Work:** PIPELINE  
**Work Being Done For:** FLATIRONS FIELD SERVICE  
**White Lining:** PROJECT STAKING  
**Depth:** 10FT **Explosives:** N **Tunneling/Boring:** Y

**Dig Site Location**

<b>County:</b>	WILLIAMS	<b>Place:</b>	SPRINGBROOK
<b>City Limits:</b>	N		
<b>Address:</b>			
<b>Street:</b>	58TH ST NW		
<b>Intersecting Street:</b>	UNKNOWN		

**Location of Work:**  
NEED MARKED AROUND THE OUTSIDE OF THE KRACKEN WELL PAD. MARK ALL UTILITIES WITHIN A 50FT RADIUS.

**Remarks:**  
CALLER REQUESTS AREA BE MARKED WITH PAINT AND FLAGS

<b>Caller Twp:</b>	155N	<b>Rng:</b>	99W	<b>Sect-Qtr:</b>	13-NW		
<b>Map Twp:</b>	155N	<b>Rng:</b>	99W	<b>Sect-Qtr:</b>	14-SE-NE,13,12-SW-SE,11-SE		
<b>Map Coord NW Lat:</b>	48.2558729	<b>Lon:</b>	-103.3670143	<b>SE Lat:</b>	48.2483906	<b>Lon:</b>	-103.3558136

**MEMBERS:**

District	Company Name
BEARPW01	ONEOK ROCKIES MIDSTREAM, LLC
CNT04	CONTINENTAL RESOURCES
KMHLND1	KINDER MORGAN/HILAND
MDU12	MONTANA-DAKOTA ELECTRIC
MDU12G	MONTANA-DAKOTA GAS
MOUNT01	MOUNTRAIL/WILLIAMS ELECTRIC CO
NWCOMM02	NORTHWEST COMMUNICATIONS COOP
SMND02	SUMMIT MIDSTREAM PARTNERS, LLC
WMSRW01	WILLIAMS RURAL WATER ASSOC.

## JJ Potvin

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**From:** nd@occinc.com  
**Sent:** Thursday, August 16, 2018 8:37 AM  
**To:** JJ Potvin  
**Subject:** Ticket: 18107428

### 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

<b>NOTICE OF INTENT TO EXCAVATE</b>	<b>LORG RESPOT</b>	<b>RELOCATE</b>	
<b>Request #:</b> 18107428	<b>Original #:</b> 18098066	<b>Relocate No:</b> 1	
<b>Original Call Date:</b> 08/16/18	<b>Time:</b> 8:36 AM CT	<b>Type:</b> WEB	
<b>Work to Begin Date :</b> 08/21/18	<b>Time:</b> 12:01 AM CT		
<b>Work to Begin Date :</b> 08/21/18	<b>Time:</b> 12:01 AM CT		

#### Work Information

<b>Location: County:</b> WILLIAMS	<b>City:</b> SPRINGBROOK	<b>City Limits:</b> N	
<b>Address / Street:</b> 0 58TH ST NW			
<b>Near Intersection:</b> UNKNOWN			
<b>CallerTwp:</b> 155N	<b>Rng:</b> 99W	<b>Sect-Qtr:</b> 13-NW	
<b>Map Twp:</b> 155N	<b>Rng:</b> 99W	<b>Sect-Qtr:</b> 14-SE-NE,13,12-SW-SE,11-SE	

<b>Excavation Type:</b>	<b>Depth:</b> 10FT	<b>Explosives:</b> N	<b>Tunneling/Boring:</b> Y
<b>White Lining:</b>	PROJECT STAKING		
<b>Type of Work:</b>	PIPELINE		

**Extent of Work:**  
NEED MARKED AROUND THE OUTSIDE OF THE KRAKEN WELL PAD. MARK ALL UTILITIES WITHIN A 50FT RADIUS.

**Remarks:**

#### Caller Information

<b>Company:</b> LOENBRO	<b>Call Back:</b>
<b>Address:</b> 1900 32ND AVENUE NE; BLACK EAGLE, MT 59414	
<b>Contact Email:</b> jpotvin@loenbro.com	
<b>Work For:</b> FLATIRONS FIELD SERVICE	
<b>Contact Name:</b> JJ POTVIN	<b>Phone:</b> 406-836-0029
<b>Type:</b> CONTRACTOR	<b>Fax:</b>
<b>Alt. Contact:</b> ZAC FISHER	<b>Phone:</b> 406-314-2058

#### Members Notified:

Code	COMPANY NAME	Phone	Code	COMPANY NAME	Phone
BEARPW01	- ONEOK ROCKIES MIDS	(800)778-7831	CNT04	- CONTINENTAL RESOUR	(701)570-5423
KMHLND1	- KINDER MORGAN/HILA	(701)580-7683	MDU12	- MONTANA-DAKOTA ELE	(406)728-9343
MDU12G	- MONTANA-DAKOTA GAS	(406)728-9343	MOUNT01	- MOUNTRAIL/WILLIAMS	(701)577-3765
NWCOMM02	- NORTHWEST COMMUNIC	(406)274-4149	SMND02	- SUMMIT MIDSTREAM P	(701)500-2189
WMSRW01	- WILLIAMS RURAL WAT	(701)774-8915			

### 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: 48.2558729 Lon: -103.3670143 SE Lat: 48.2483906 Lon: 103.3558136

### 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.