



Public Service Commission

State of North Dakota

COMMISSIONERS

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Executive Secretary
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Bismarck, North Dakota 58505-0480
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Fax: 701-328-2410
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October 5, 2018

Mark Pearson
Liberty Resources II, LLC
120 W Sweet Ave
Bismarck, ND 58504-5566

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 Liberty Resources, received by the North Dakota Public Service Commission on October 3, 2018, from Brent Pingel, at Whiting Oil and Gas, of Watford City, ND, Case Number PU-18-355. The location of the incident identified in the complaint is approximately Township 152N, Range 103W, SE ¼ of Section 34, McKenzie County, 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 22, 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 Liberty Resources 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: Brent Pingel with attachments

2 **PU-18-355** Filed: 10/5/2018 Pages: 3
Letter enclosing North Dakota One-Call Complaint

Public Service Commission Staff

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 Brent Pingel/ Whiting Oil and Gas	Street Address 701 4th Ave NW	City Watford City	State and Zip Code ND 58854
Telephone and Cell Phone Number 701-339-9826	Email Address brent.pingel@whiting.com		Date 10/5/2018
<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 Liberty Resources	Street Address	City	State and Zip Code
Telephone and Cell Phone Number 701-774-5759	Email Address		

PART C – ALLEGED VIOLATION

<input checked="" type="checkbox"/> Operator failed to provide or update the information provided to the notification center on a timely basis <input checked="" type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation <input checked="" type="checkbox"/> Excavator failed to provide required information in excavation or location notice <input checked="" type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation <input checked="" 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 checked="" type="checkbox"/> Excavation started prior to underground facility locate <input checked="" type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally <input checked="" type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period <input checked="" type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities <input checked="" type="checkbox"/> Excavator failed to maintain the markings during excavation <input checked="" type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) <u>Operator failed to register UG facilities with the ND One Call center</u>
Location of Violation: McKenzie County, ND-Township 152N, Range 103W Section 34 SE
Date and Time of Violation: 09/25/2018
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> Liberty Resources operates a salt water disposal in the area and has numerous gathering lines in the area. For one call ticket 18165926, the prescribed excavation area is directly over one of their known SW gathering lines, but they are not listed as a "member notified" on the one call ticket, meaning they do not have their UG facilities registered with ND One Call. This is a very congested area with numerous gathering lines running UG through the area. Whiting requested to tie into their gathering line over a year ago and they could not find the line to complete the tie in. Whiting had to hydrovac the entire road ditch to the edge of our location to find the line and complete the tie in. At that time, Liberty was supposed to register the lines and abide by all ND State one call laws, but they did not comply. Whiting shut off the line from the Gullickson location and no longer ships SW through Liberty's gathering system.

PART D – DAMAGE

Fatalities	Injuries	In-patient Hospitalizat on
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:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 10-5-3-2018
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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



701-774-5759

NDM 91570X

JOHNSON 21-3

NENW SEC. 3 T151-R103

MCKENZIE CNTY, ND

API# 33-053-01864

PERMIT# 10878

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