



Public Service Commission

State of North Dakota

COMMISSIONERS

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600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
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January 18, 2019

Crawford's Construction, Inc
Vernon Martin
220 Haycreek Ct
Bismarck, ND 58503

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

To Whom it may concern:

Enclosed is a copy of a ND One-Call Complaint, against Crawford's Construction, Inc., received by the North Dakota Public Service Commission on January 15, 2019, from Ryan Farmer at Kinder Morgan, of Williston, ND, Case Number PU-19-22. The location of the damage identified in the complaint is approximately coordinates 46.134919, -103.951595 near Marmarth, 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 Executive Secretary, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by February 4, 2019**, 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 Crawford's Construction, Inc. 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
c: Ryan Farmer

2 PU-19-22 Filed: 1/18/2019 Pages: 2
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 Kinder Morgan	Street Address 611 37th Ave SE	City Williston	State and Zip Code North Dakota 58801
Telephone and Cell Phone Number 701-774-6110	Email Address Ryan_Farmer@Kindermorgan.com		Date 1/14/19
<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 Crawford's Construction Inc	Street Address P.O. Box 1079 10 Pennel Rd	City Baker	State and Zip Code Montana 59313
Telephone and Cell Phone Number 406-978-2000	Email Address CRAWFORDSCONST@MIDRIVERS.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 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 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 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: 46.134919, -103.951595
Date and Time of Violation: 1/8/19 3:00pm
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> On 1/7/19 Crawford's Construction notified Kinder Morgan representative of their intent to excavate within KM owned Right of Way. KM rep informed them that their locate request (ticket 18169795) was called in on 11/29/18 and was out of date (21 days) by North Dakota One Call laws. KM rep asked them to resubmit a locate request for the excavation. On 1/8/19 KM rep was contacted again by Crawford's Construction Inc and was told that they excavated on KM owned ROW and exposed KM owned pipeline. Crawford's Construction did resubmit a locate request for the area (ticket 19001044) but this ticket was not active until 1/10/19.

PART D – DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: Kinder Morgan owned 12" natural gas gathering pipeline.		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$0	Number of Customers Affected 0	
Other impact of event: No damage to KM owned pipeline.		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 1/14/19
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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