



# 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 bldg 29	City Williston	State and Zip Code North Dakota 58801
Telephone and Cell Phone Number 701-774-6110	Email Address Ryan_Farmer@kindermorgan.com		Date 6/28/19
<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 Fox Hills Fencing	Street Address P.O. Box 391	City Bowman	State and Zip Code North Dakota 58623
Telephone and Cell Phone Number 701-260-0702	Email Address FOXHILLSFENCING@HOTMAIL.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 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: 91st St SW 1 mile west of 152nd Ave SW Rural of Bowman ND
Date and Time of Violation: 6-19-19 at approx 2:00pm
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>  Line patroller visited site of locate request for proposed fencework on 6-19 at approx 2pm. Met with workers with Fox Hills Fencing and was told the fence was already constructed. Line patroller informed them that their locate request was not valid until 6-20. They stated they were told by their boss to build the fence that morning. Fence encroached upon KM owned ROW without markings or personnel being present and without notification of intent to excavate early.

## PART D – DAMAGE

Fatalities No damage to facility	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:		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 6-28-19
--	-----------------

**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