

# Memorandum

To: Commissioners Christmann, Fedorchak and Kroshus

From: Victor Schock Public Utility Analyst

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Date: September 17, 2019

Re: ND One-Call Complaint  
Case No. PU-19-295

On August 12, 2019, a ND One-Call Complaint was received from Stott Derosso with Whiting Oil and Gas (Whiting) alleging that Midstate Telephone Company, LLC (Midstate) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to locate and mark their underground facilities within the locate period.

Staff investigation found that on August 5, 2019 Whiting personnel called locate ticket 19098809 for the extension of a well pad. On August 6, 2019 Midstate marked the ticket as clear/no conflict indicating they did not have facilities in the excavation area. Further investigation found that they did in fact have facilities in the excavation area.

Staff informed Midstate of Whiting's complaint via a letter dated August 13, 2019, requesting response by August 27, 2019. Midstate's August 15, 2019 response asserted that the ticket description and onsite inspection led them to believe the excavation area did not include the area where their facilities were located.

Further investigation found that this was a miscommunication between the locate ticket description and its interpretation. Since the incident Midstate has made additional efforts to communicate and verify the excavation areas on tickets with Whiting and other excavators to ensure they have a full understanding of the correct area.

Based on its investigation staff does not intend to file a formal complaint, recommends that no further action be taken and the case be closed.