



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian Kroshus
Julie Fedorchak
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600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

August 26, 2019

Gene Harris
Crosby Creek Consulting, LLP
11820 10th St NW
Killdeer, ND 58640-9149

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

Dear Gene:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Crosby Creek Consulting, LLP, received by the North Dakota Public Service Commission on August 24, 2019, from Ryan Farmer at Kinder Morgan, of Williston, ND, Case Number PU-19-300. The location of the incident identified in the complaint is approximately lat:47.570229 lon:-103.079414 near, Killdeer, 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 September 9, 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 Crosby Creek Consulting, LLP 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: Ryan Farmer with attachments

2 PU-19-300 Filed: 8/26/2019 Pages: 7
Letter enclosing North Dakota One-Call Complaint

Public Service Commission



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/Ryan Farmer	Street Address 611 37th St E 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 8/24/19
<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 Crosby Creek Consulting	Street Address 11820 10th St NW	City Kildeer	State and Zip Code North Dakota 58640
Telephone and Cell Phone Number 701-863-6695	Email Address GHARRIS@NDSUPERNET.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: Lat: 47.570229 Long: -103.078414 Kildeer, ND
Date and Time of Violation: 8/2/19 2:15pm
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 7/31/19 Crosby Creek Consulting called in a locate request (19095969) for excavation to install culverts. Start date and time on the locate request was 8/3/19 at 12:01am. On 8/2/19 at approximately 2:15pm it was discovered by Kinder Morgan that excavation had already begun on site and contractor had encroached upon KM owned ROW without locate marks present.

PART D – DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: No damage to KM owned 8" H.P. natural gas pipeline.		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ 0	Number of Customers Affected 0	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 8/24/19
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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



☉ 190°S (T) ● 47.570160°N, 103.079453°W ±32.8ft ▲ 1947ft



Christian Banks

02 Aug 2019, 14:13:44



☉ 43°NE (T) ● 47.569942°N, 103.079674°W ±16.4ft ▲ 1900ft



Crosby Creek
Christian Banks

19095969
02 Aug 2019, 14:13:06



☉ 160°S (T) ● 47.570229°N, 103.079414°W ±16.4ft ▲ 1952ft



Christian Banks

02 Aug 2019, 14:14:00

COORDINATES FOR EACH LOCATION:

LATITUDE	LONGITUDE	LATITUDE	LONGITUDE	LATITUDE	LONGITUDE
POLYGON 1					
(47.5585103,	-103.0890650)	(47.5733675,	-103.0892701)	(47.5729018,	-
103.0992550)					
(47.5806331,	-103.0994602)	(47.5806797,	-103.0987763)	(47.5806331,	-
103.0784646)					
(47.5589295,	-103.0780542)				