



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Brian Kroshus  
Julie Fedorchak  
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600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
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September 12, 2019

William Krick  
Northwest Grading, Inc.  
1709 N 19<sup>th</sup> St, Suite 3  
Bismarck, ND 58501-2121

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

Dear William:

Enclosed is a copy of a ND One-Call Complaint, against Northwest Grading, Inc., received by the North Dakota Public Service Commission on September 10, 2019, from Kris Nielsen at ONEOK, of Williston, ND, Case Number PU-19-312. The location of the damage identified in the complaint is approximately the intersection of 54<sup>th</sup> St NW and 126<sup>th</sup> Ave NW, Williston, 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 26, 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 Northwest Grading, 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](mailto:vschock@nd.gov) with any questions regarding this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Schock".

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: Kris Nielsen



# 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 Kris Nielsen	Street Address 14468	City Williston	State and Zip Code ND 58801
Telephone and Cell Phone Number 701-339-3601	Email Address Krisnielsen@oneok.com		Date 9-10-19
<input 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 Kurt Crispin	Street Address 1875 N Lakewood Drive, Suite 201	City Coulter d'Alene	State and Zip Code Idaho 83815
Telephone and Cell Phone Number 208-755-3401	Email Address		

## 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 checked="" 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 checked="" 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)
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Location of Violation:

Date and Time of Violation:  
August 17th 2019

Description (summarize the observations on which you rely to allege the violation) *if more space is required, please provide the description on a separate page.*

Northwest Grading updated ticket #19091502 on 8-15-19 with ticket #19106578 which would have voided the 19091502. Work was not to begin on 19106578 until 9/20/19. Oneok received notice on 8/19/19 that Northwest Grading had conducted an excavation and struck a poly pipeline on 8/17/19, clearly before work was to begin. This did require Oneok to shut down the pipeline, depressure and make a repair.

Original one call - 19085369, update ticket number 19091502, and modified ticket number 19106578. Line was struck Saturday August 17, 2019 and Oneok found out about strike Monday August 19, 2019.

## PART D – DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: Damage to 14" poly pipeline		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$12959.59 in construction repair costs, \$90,000 in lost volume		Number of Customers Affected
Other impact of event: Pipeline was shut in for repair for 5 days, estimated volume lost of 45 mmscf		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 9-10-19
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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



















