

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Northwest Grading
Damage Prevention Enforcement

Case No. PU-19-312

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **24th day of September 2020**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

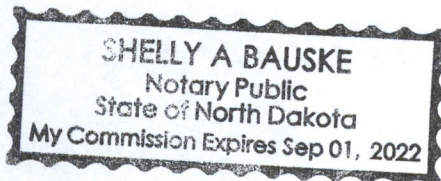
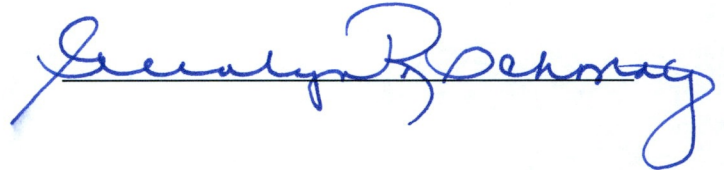
- **Complaint With Supporting Documents**
- **Prima Facie Motion**

The envelope was addressed as follows:

Bill Krick-President
Northwest Grading, Inc.
1875 North Lakewood Drive, Suite 201
Coeur d'Alene, ID 83814-4928
Cert. No. 7019 2280 0000 0692 7573

The addresses shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **24th day of September 2020**.



Notary Public

SEAL

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

Public Service Commission
Northwest Grading, Inc.
Damage Prevention Enforcement

Case No. PU-19-312

Public Service Commission,)	
Complainant,)	
vs.)	
Northwest Grading, Inc.,)	Complaint
Respondent.)	

The Public Service Commission of North Dakota (Commission), by and through Advocacy Staff (Staff), for its complaint against Northwest Grading, Inc., alleges and shows the following:

I

Northwest Grading, Inc. (Northwest) is a foreign Corporation with offices located at 6960 N 4th St, Dalton Gardens, ID 83815-8781, and a registered agent address of Search Company of North Dakota LLC, 1709 N 19th St, Suite 3, Bismarck, ND 58501-2121.

II

ONEOK Rockies Midstream, LLC (ONEOK) is a foreign corporation authorized to do business in North Dakota.

III

North Dakota Century Code (N.D.C.C.) 49-23-04(1) provides:

Except in an emergency, an excavator shall contact the notification center and provide an excavation or location notice before beginning any excavation. An excavation begins the first time excavation occurs in an area that was not previously identified by the excavator in an excavation notice.

North Dakota Century Code (N.D.C.C.) 28-32-22 provides:

Unless otherwise prohibited by specific statute or rule, informal disposition may be made of any adjudicative proceeding, or any part or issue thereof, by stipulation, settlement, waiver of hearing, consent order, default, alternative dispute resolution, or other informal disposition, subject to agency approval. Any administrative agency may adopt rules of practice or procedure for informal disposition if such rules do not substantially prejudice the rights of any party. Such rules may establish procedures for converting an administrative matter from one type of proceeding to another type of proceeding.

North Dakota Century Code (N.D.C.C.) 49-07-01.1 provides:

Any person who violates any statute, commission order, or commission rule which applies to matters within the authority of the commission under chapters 8-08, 8-09, 8-10, 24-09, 32-25, and 51-05.1, titles 60 and 64, and title 49 except for chapters 49-22 and 49-23, shall, in addition to any other penalty provided, be subject to a civil penalty of not to exceed five thousand dollars. A violation occurring under chapter 49-23, in addition to any other penalty, is subject to a civil penalty not to exceed twenty-five thousand dollars. The commission shall develop policies for the assessment of penalties under chapter 49-23 which will take into consideration the severity of damages and the conduct of the offender. The civil penalty may be compromised by the commission. The amount of the penalty when finally determined or agreed upon in compromise, if not paid, may be recovered in a civil action in the courts of this state.

North Dakota Administrative Code section 69-02-04-05 provides:

In any proceeding in which the commission is authorized to act after opportunity for hearing, opportunity is afforded by service of notice fixing a reasonable period of time within which any person desiring to be heard may file a protest or request for a hearing. If a protest or request for hearing is not filed within the time provided, the commission may dispose of the matter on the basis of the pleadings, other submittals, and the studies and recommendations of the staff. A party not requesting oral hearing in the party's pleading is deemed to have waived a hearing for the purpose of the decision, but not for the purpose of applying for rehearing with respect to

the decision. If a person requests a hearing but does not show good cause, the commission may determine the matter without a hearing.

IV

On September 10, 2019, the Commission received a ND One-Call Complaint from Kris Nielsen at ONEOK. The complaint alleges a violation by Northwest of N.D.C.C. 49-23-04(1) of the One-Call Excavation Notice System by failing to provide an excavation notice to the NDOC Notification Center at least forty-eight hours before beginning its excavation.

V

On September 12, 2019, Commission staff issued a letter informing Northwest of ONEOK's complaint filing, and requested a response by September 26, 2019, attached as Exhibit 1. Northwest's September 22, 2019 response asserted that they believe they had a valid ticket for the time and location of the excavation attached as Exhibit 2.

VI

On July 25, 2019 Northwest personnel provided an excavation notice to the North Dakota One Call Notification Center (NDOC), with work to begin on July 30, 2019. The NDOC assigned locate ticket number 19091502 to the excavation notice, which indicates the work was installing a water main, attached as Exhibit 3. The excavation location cited in the notice started at a point 575 feet south and 25 feet east of the intersection of 54th St NW and 126th Ave NW, near Williston, ND. The notice included a request to locate 25ft on either side of the route, which generally moved in a westward direction from the starting location.

VII

As alleged by ONEOK's complaint, on August 17, 2019, Northwest began an excavation as defined in N.C.C.C. 49-23-01(7) while performing water line installation at approximately 641 feet south and 75 feet east of the intersection of 54th St NW and 126th Ave NW, near Wiliston, ND. This excavation was conducted outside of the excavation area noted in ticket number 19091502. As a result of this excavation, damage was caused to ONEOK's 14" poly natural gas gathering line. Northwest notified ONEOK of the damage on August 19, 2019. ONEOK alleges that the cost to repair its facilities was approximately \$12,959.59 and the lost product amounted to \$90,000.

VIII

Based on its investigation, Staff concluded that the excavation was not being made in a time of emergency under N.D.C.C. 49-23-04(1), allowing the excavator to give notification after the start of the excavation.

IX

Northwest violated N.D.C.C. 49-23-04(1) by failing to provide an excavation notice to the NDOC Notification Center at least forty-eight hours before beginning its excavation.

X

The Commission Damage Prevention Plan provides:

D PROPOSED CIVIL PENALTIES:

1. The following criteria must be used by Commission staff to determine if a civil penalty should be proposed when filing a formal complaint:
 - a. The nature, circumstances and severity of the complaint;
 - b. The degree of suspected fault on the part of the respondent;
 - c. The respondent's history of prior violations or complaints;
 - d. The respondent's ability to pay;

- e. Any good faith effort by the respondent in attempting to achieve compliance; and
- f. The effect the penalty may have on the respondent's ability to continue in business.

XI

The Respondent must serve an answer to this complaint upon the Complainant and the Commission within twenty days after service of the complaint, or the Commission may deem the complaint to be admitted. Answers must be served in the manner allowed for service under the North Dakota Rules of Civil Procedure.

Prayer for Relief

Based on the foregoing, Staff seeks the following relief:

1. That the Commission find Northwest Grading, Inc. in violation of N.D.C.C. chapter 49-23 for failing to comply with the One Call requirements enumerated in North Dakota Century Code section 49-23-04(1).
2. That the Commission impose an appropriate civil penalty up to \$25,000, but at least \$22,600.
3. Such other relief that the Commission finds just and proper.

Dated this 17th day of August, 2020.



Brian Johnson
Special Assistant Attorney General Bar ID 07397
North Dakota Public Service Commission
600 East Boulevard Avenue Dept. 408
Bismarck ND, 58505
701-328-2407



Public Service Commission State of North Dakota

COMMISSIONERS

Brian Kroshus
Julie Fedorchak
Randy Christmann

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

September 12, 2019

William Krick
Northwest Grading, Inc.
1709 N 19th 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 54th St NW and 126th 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 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: 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 58501
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 Cnspn	Street Address 1875 N Lakewood Drive, Suite 201	City Cedar of Alaska	State and Zip Code Idaho 83815
Telephone and Cell Phone Number 208-755-3401	Email Address		

PART C – ALLEGED VIOLATION

Operator failed to provide or update the information provided to the notification center on a timely basis

Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation

Excavator failed to provide required information in excavation or location notice

Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation

Notification center failed to inform the excavator of the names of operators of underground facilities in the area

Operator failed to locate and mark underground facility within 48 hours

Excavation started prior to underground facility locate

Operator failed to mark underground facility within 24 inches horizontally

Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period

Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities

Excavator failed to maintain the markings during excavation

Other (identify the specific section of NDCC Chapter 49-23) _____

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 - 19095369, 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 mrracf		
Please attach photos of Event Area or Damaged Facility		

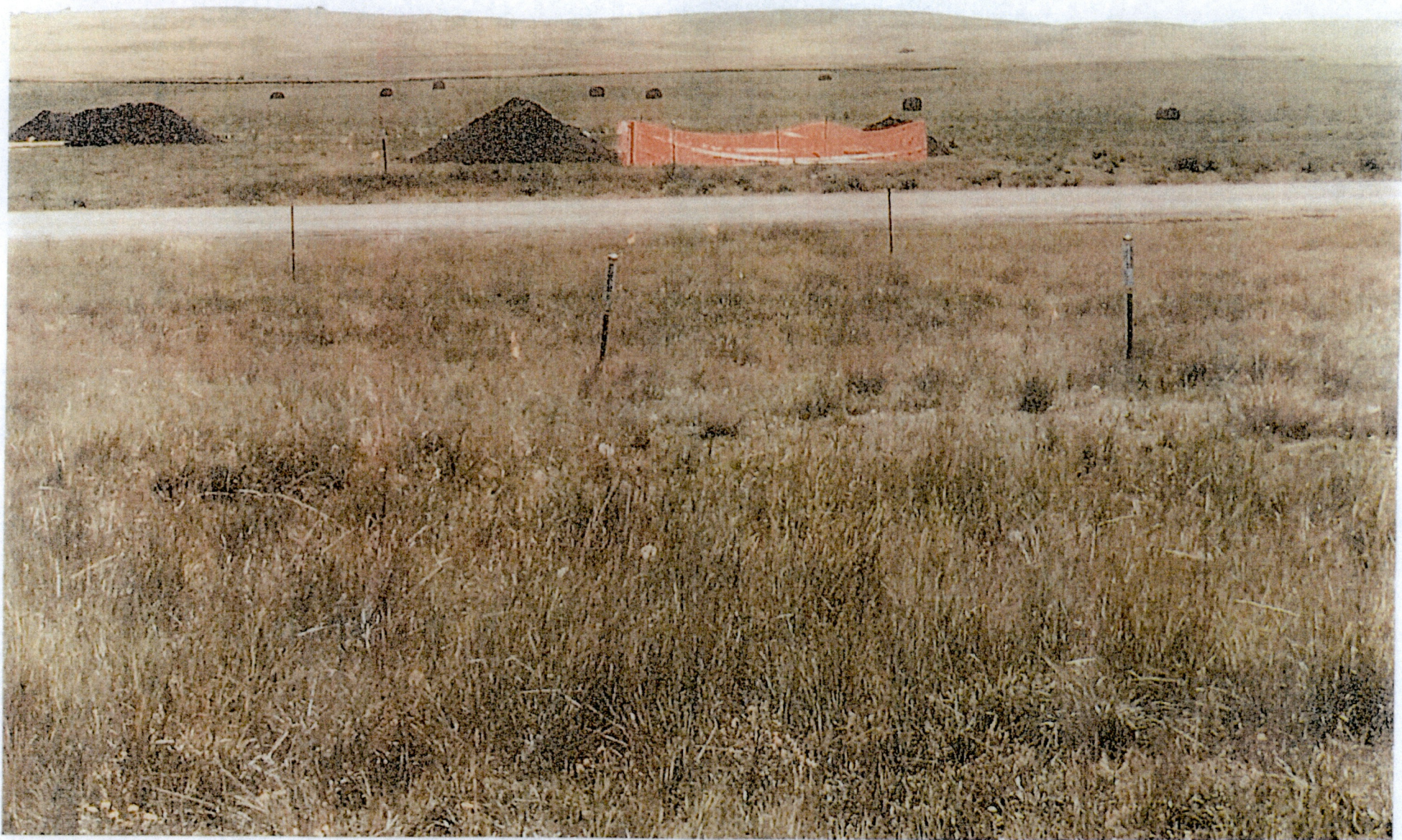
PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 9/10/19
--	-----------------

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





















NORTHWEST GRADING, INC.

PSC 2

NORTHWEST GRADING, INC.
1875 North Lakewood Drive, Suite 201
Coeur d'Alene, ID 83814-4928
208-755-3401 office 208-661-5559 cell
office@northwestgrading.com

ID: Public Works Contractor #001368-AAA-1-2-3 Bureau Occupational Licenses #RCE-43241 MT: Contractor #406-444-7734 WA: Contractor #CCNORTHGI851RH CC01-General ND: Contractor #51284 Class A / Plumbing Board #50329-12910
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09/22/2019

Victor Schock / Executive Secretary
Public Utilities Division
North Dakota Public Service Commission
600 East Boulevard Avenue, Dept 408
Bismarck, ND 58505-0480

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

Project: Polar South Extension 2019

Response to letter dated September 12, 2019

Mr. Schock:

Northwest Grading, Inc. was hired by Riverwater, LLC to extend its water service area to include Whiting Oil production water on 7/08/19. On 7/9/19 Northwest Grading began requesting locates. On 7/20/19 Northwest Grading placed personnel onsite and began hydro excavation via sub-contractor to verify existing utilities to be crossed. This went on until 8/6/19 when our sub-contractor began boring under exposed utilities. Open excavation began on 8/14/19.

Northwest Grading submitted ticket number 19091502 7/25/19. This ticket was submitted with clear marking instructions, "LOCATE FOR THE LENGTH OF THE 4 IN WATER LINE TO A WIDTH OF 50 FT, 25 FT EACH SIDE OF PIPE". We received ONEOK Rockies Midstream response to dig request on 7/31/19, "Spoke with excavator and made arrangements". ONEOK's response to the dig request indicated that they had made arrangements with the excavator, which is incorrect. Throughout the project we have received the same response and, to date, no one from ONEOK has contacted us to make any arrangements, and on numerous occasions these responses came one day after ticket was due. ONEOK submitted the area marked 8/5/19.

Terrier Services (sub-contractor hydro excavation) submitted ticket number 19100157 on 8/7/19. ONEOK was not responsive until 8/29/19 when ticket was posted as marked.

Extreme Ground (sub-contractor horizontal boring) submitted ticket number 19099112 on 8/6/19. ONEOK marked as complete on 8/9/19.

Northwest Grading submitted ticket number 19106576 on 8/15/19 after receiving an updated route drawing from the engineers to extend ticket number 19091502.

Northwest Grading gave instructions on all locate tickets to mark 25' either side of survey staked locations to a width of 50'. The route had been changed in the field by the survey from the beginning and has only been re-staked one time, which did not occur until 9/03/19 and did not include this area; however, the 50' right-of-way has not changed. ONEOK has claimed multiple times on the One-Call system to have contacted the excavator when they have not. They have failed to locate areas and later claimed the "cow" must have knocked them down, when the survey stake is clearly visible and has not been disturbed, as was the case in this area--the survey stake was in place and the locate was not completed, ONEOK did not contact Northwest Grading, and line markers are 12' away from excavation (Wade from ONEOK can verify). Northwest Grading has done their due diligence and called ONEOK each time one of their line markers is visible and locates are incomplete.

Since it was the intent of the owner and contractor to bore every utility crossing, and we received North Dakota One-Call's Ticket Check, ONEOK's Response to Dig Request, a Valid One Call Ticket, and the pipeline marker(s) were 12' away, the operator continued his excavation, as he was cleared to dig the receiving pit(s).

Northwest Grading is submitting a spreadsheet (see USB flash drive) with all locates for this project showing that ONEOK has repeatedly failed to locate their line(s) in time and continues to respond that they "talked to excavator", when no such contact has been made to Northwest Grading nor their sub-contractors. Since ONEOK uses a sub-contractor for locating their facilities, they rely entirely on this sub-contractor for the accuracy of the locates and are placing an undue hardship on Northwest Grading and/or their sub-contractors to verify the accuracy and completeness of the locates.


As of August 21, 2019, ONEOK's construction manager has participated in Northwest Grading's morning safety meetings. However, they are still not responding on time to locate requests causing our project manager to track down ONEOK to ensure their facilities are marked and we are clear to begin excavating.

In closing, ONEOK submitted a complaint to North Dakota Public Service Commission on September 10, 2019 (Case # PU-19-312). There are several discrepancies within their complaint to the PSC: Ticket 19106578 was a locate request by Terrier Services for hydro excavation of the lines, Ticket 19091502 was valid until August 20, 2019 and clearly states that ONEOK's facilities were marked. Ticket 19106578 updated Ticket 19091502 and had a begin work date of August 20th @ 12:01 AM. ONEOK had multiple locate requests for this area and failed to mark their facilities as required by NDCC Chapter 49-23. The 50' ROW has not changed throughout the project and the locate requests clearly state to mark 25' each side of the pipeline for a width of 50' and ONEOK failed to mark their facilities.

ONEOK has continually responded that they have made arrangements with the excavator but failed to make these arrangements. Due to ONEOK's and/or their sub-contractor's failure to mark their facilities, they are relying on the excavator to verify the validity of the locates and placing the personnel working on the project at risk.

Due to ONEOK's and/or their sub-contractor's failure to mark their facilities per North Dakota Century Code, we respectfully request the PSC deny ONEOK's claim that Northwest Grading failed to provide 48 hour notice before excavation begins, that the excavation started prior to underground facilities being located, and that Northwest Grading failed to conduct the excavation in a careful and prudent manner to avoid damage to underground facilities.

Sincerely,



Bill Krick
President
Northwest Grading, Inc.
208-661-5559

Enclosures:

1. Ticket No. 19082552
2. Ticket No. 19091502
3. Ticket No. 19106578
4. ND One-Call Complaint
5. USB Flash Drive (Spreadsheet of project locates)

North Dakota One Call

#1

Ticket No: 19082552
LORQ ROUTINE
Updated by: 19091502
Original Call Date: 07/12/19 03:57 pm
Op: webusr5
Work to Begin Date: 07/20/19 12:01 am
Op: webusr5
Expiration Date: 08/10/19 12:01 am

CALLER INFORMATION

Company Name: NORTHWEST GRADING INC.
Fax Phone:
Contact Name: KURT CRISPIN
Phone: 509-528-4759
Alt Contact: JON KETCHUM
Alt. Phone: 208-290-4279
Caller Address: 1875 N. LAKEWOOD DR, SUITE 201 COEUR D' ALENE, ID 83815
Email Address: kurt.crispin@northwestgrading.com

DIG SITE INFORMATION

Type of Work: INSTALL WATER MAIN
Work Being Done For: RIVERWATER
Depth: OVER 10FT
Explosives: N
Tunneling/Boring: Y
White Lining:

DIG SITE LOCATION

County: WILLIAMS
Place: SPRINGBROOK TWP
City Limits: N
Address:
Street: 54TH ST NW
Intersecting Street: 126TH AVE NW
Location of Work: LOCATE FOR THE LENGTH OF THE 4 IN WATER LINE TO A WIDTH OF 50 FT, 25 FT EACH SIDE OF PIPE.

STARTING AT A POINT APPROX. 575 FT SOUTH OF 54TH ST NW AND 25 FT EAST OF 126TH AVE NW (STATION 168+50, DWG PP2.6) THE LINE RUNS WEST FOR 2300 FT BEFORE JOGGING WEST NORTHWEST FOR A DISTANCE OF 300 FT BEFORE RESUMING ITS WEST WARD DIRECTION FOR APPROX. ANOTHER 1630 FT THEN TURNS NORTH FOR 330 FT (STATION 214+75, DWG PP2.8).

LINE BEFORE TURNING EAST FOR 444FT (SEE DWG PP2.6, PP2.15, PP2.16, AND PP2.17).

A SECOND SERVICE LINE A 1 IN LINE (SERVICE 3) BREAKS OFF THE MAIN AT STATION 202+71 AND RUNS NORTH ACROSS 54TH ST NW FOR A DISTANCE OF 850 FT. (SEE DWGS PP2.7 & PP2.18)

THIS PIPELINE WILL BE SURVEYED AND STAKED. SEE ATTACHED DRAWINGS FOR CLARIFICATION.

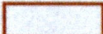
THIS LOCATE IS WITHIN TOWNSHIP 154N, RANGE 99W, SECTIONS 3,4 AND 10 AS WELL AS TOWNSHIP 155N, RANGE 99W, SECTION 33 .

Map Coord NW Lat: 48.1992119
Lon: -103.4287211
SE Lat: 48.1786631
Lon: -103.4098007

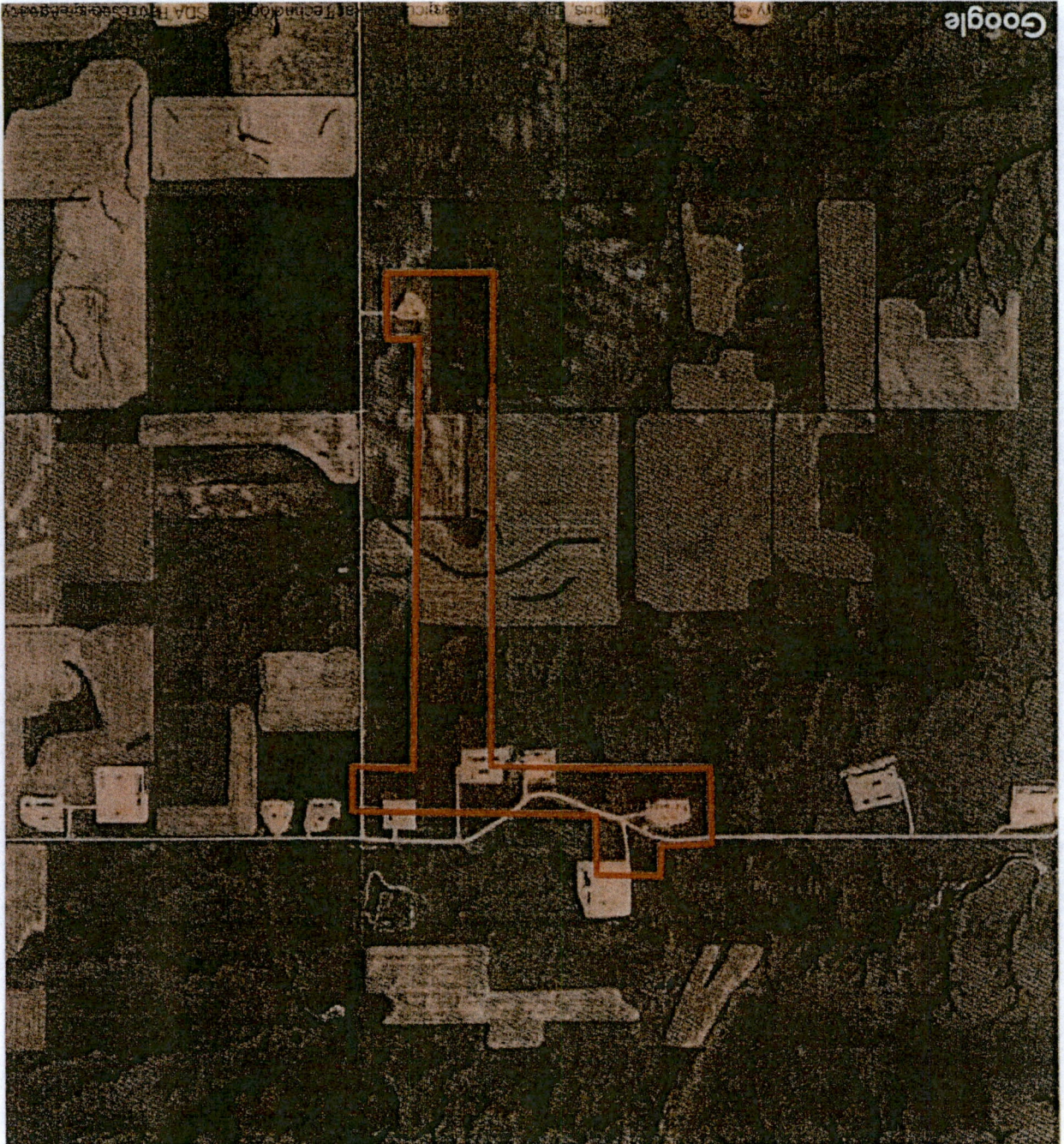
MEMBERS NOTIFIED

District	Company Name	Marking Concerns	Status
BEARPW01	ONEOK ROCKIES MIDSTREAM, LLC	918-588-7111	Not Complete/In Progress: Locator has spoken with the excavator and made arrangements.
MOUNT01	MOUNTRAIL/WILLIAMS ELECTRIC CO	701-577-3765	Clear/No conflict
NWCOMM02	NORTHWEST COMMUNICATIONS COOP	406-274-4149	Clear/No conflict
SMND02	SUMMIT MIDSTREAM PARTNERS, LLC	701-500-2189	Not Complete/In Progress: Locator has spoken with the excavator and made arrangements. (Unable to complete one call tickets at this time. Survey not complete and work schedule has been pushed back approximately 2 weeks. Notified contractor and contractor has agreed to resubmit tickets at that time after survey is complete)
WHIPET02	WHITING OIL AND GAS CORP.	701-339-9739	Clear/No conflict (Drove the route

District	Company Name	Marking Concerns	Status
ZAVLLC01	ZAVANNA, LLC	701-557-3543	called Daniel, and Kurt to let them know that Whiting utilities will not interfere with the River Water R.O.W. Any questions call Keegan at 701-421-8148) Clear/No conflict

Legend:  Locate Polygon

Lat/Lon



Northwest Grading - OneCall Ticket - 19082552 - Seg 2 Sec B - 1

Date	Type	District	Company	Status	Notes
7/12/2019 16:09	Ticket Created				
7/12/2019 16:09	Ticket Check Response Added	MOUNT01	MOUNTRAIL/WILLIA MS ELECTRIC CO	Not yet responded	
7/12/2019 16:09	Ticket Check Response Added	ZAVLLC01	ZAVANNA, LLC	Not yet responded	
7/12/2019 16:09	Ticket Check Response Added	WHIPET02	WHITING OIL AND GAS CORP.	Not yet responded	
7/12/2019 16:09	Ticket Check Response Added	BEARPW01	ONEOK ROCKIES MIDSTREAM, LLC	Not yet responded	
7/12/2019 16:09	Ticket Check Response Added	NWCOMM02	NORTHWEST COMMUNICATIONS COOP	Not yet responded	
7/12/2019 16:09	Ticket Check Response Added	SMND02	SUMMIT MIDSTREAM PARTNERS, LLC	Not yet responded	
7/12/2019 16:18	Ticket Check Response Added	MOUNT01	MOUNTRAIL/WILLIA MS ELECTRIC CO	Clear/No conflict	
7/13/2019 14:31	Ticket Check Response Added	ZAVLLC01	ZAVANNA, LLC	Clear/No conflict	
7/15/2019 12:10	Ticket Check Response Added	SMND02	SUMMIT MIDSTREAM PARTNERS, LLC	Not Complete/In Progress: Locator has spoken with the excavator and made arrangements.	
7/17/2019 19:28	Ticket Check Response Added	NWCOMM02	NORTHWEST COMMUNICATIONS COOP	Clear/No conflict	
7/18/2019 11:22	Ticket Check Response Added	SMND02	SUMMIT MIDSTREAM PARTNERS, LLC	Not Complete/In Progress: Locator has spoken with the excavator and made arrangements.	Unable to complete one call tickets at this time. Survey not complete and work schedule has been pushed back approximately 2 weeks. Notified contractor and contractor has agreed to resubmit tickets at that time after survey is complete
7/19/2019 11:45	Ticket Check Response Added	WHIPET02	WHITING OIL AND GAS CORP.	Not Complete/In Progress: Locator has spoken with the excavator and made arrangements.	Talked with Kurt ,waiting on survey stakes and will meet with Daniel before work takes place, I also let Kurt know about one line crossing, will locate before any work is near any Whiting location or utilities, any questions call Keegan at 701-421-8148
Work Start Deadline 7-20-2019 thru 8-10-2019					
7/22/2019 8:05	Ticket Check Response Added	BEARPW01	ONEOK ROCKIES MIDSTREAM, LLC	Not Complete/In Progress: Locator has spoken with the excavator and made arrangements.	
7/26/2019 12:17	Ticket Check Response Added	WHIPET02	WHITING OIL AND GAS CORP.	Clear/No conflict	Drove the route called Daniel, and Kurt to let them know that Whiting utilities will not interfere with the River Water R.O.W. Any questions call Keegan at 701-421-8148

2

North Dakota One Call

Ticket No: 19091502
LORG RESPOT
Relocate Counter: 1
Update of: 19082552
Updated by: 19106578
Original Call Date: 07/25/19 03:55 pm
Op: webusr5
Work to Begin Date: 07/30/19 12:01 am
Op: webusr5
Expiration Date: 08/20/19 12:01 am

CALLER INFORMATION

Company Name: NORTHWEST GRADING INC.
Fax Phone:
Contact Name: KURT CRISPIN
Phone: 509-528-4759
Alt Contact: DANIEL KRICK
Alt. Phone: 208-277-6253
Caller Address: 1875 N. LAKEWOOD DR, SUITE 201 COEUR D' ALENE, ID 83815
Email Address: kurt.crispin@northwestgrading.com

DIG SITE INFORMATION

Type of Work: INSTALL WATER MAIN
Work Being Done For: RIVERWATER
Depth: OVER 10FT
Explosives: N
Tunneling/Boring: Y
White Lining:

DIG SITE LOCATION

County: WILLIAMS
Place: SPRINGBROOK TWP
City Limits: N
Address:
Street: 54TH ST NW
Intersecting Street: 126TH AVE NW
Location of Work: LOCATE FOR THE LENGTH OF THE 4 IN WATER LINE TO A WIDTH OF 50 FT, 25 FT EACH SIDE OF PIPE.

STARTING AT A POINT APPROX. 575 FT SOUTH OF 54TH ST NW AND 25 FT EAST OF 126TH AVE NW (STATION 168+50, DWG PP2.6) THE LINE RUNS WEST FOR 2300 FT BEFORE JOGGING WEST NORTHWEST FOR A DISTANCE OF 300 FT BEFORE RESUMING ITS WESTWARD DIRECTION FOR APPROX. ANOTHER 1000 FEET

SOUTHWEST FOR A DISTANCE OF 410 FT BEFORE RUNNING SOUTH FOR ANOTHER 5220 FT TO STATION 60+00 OF THE BRANCH LINE BEFORE TURNING EAST FOR 444FT (SEE DWG PP2.6, PP2.15, PP2.16, AND PP2.17).

A SECOND SERVICE LINE A 1 IN LINE (SERVICE 3) BREAKS OFF THE MAIN AT STATION 202+71 AND RUNS NORTH ACROSS 54TH ST NW FOR A DISTANCE OF 850 FT . (SEE DWGS PP2.7 & PP2.18)

THIS PIPELINE WILL BE SURVEYED AND STAKED. SEE ATTACHED DRAWINGS FOR CLARIFICATION.


THIS LOCATE IS WITHIN TOWNSHIP 154N, RANGE 99W, SECTIONS 3,4 AND 10 AS WELL AS TOWNSHIP 155N, RANGE 99W, SECTION 33 .

Map Coord NW Lat: 48.1992119
Lon: -103.4287211
SE Lat: 48.1786631
Lon: -103.4098007

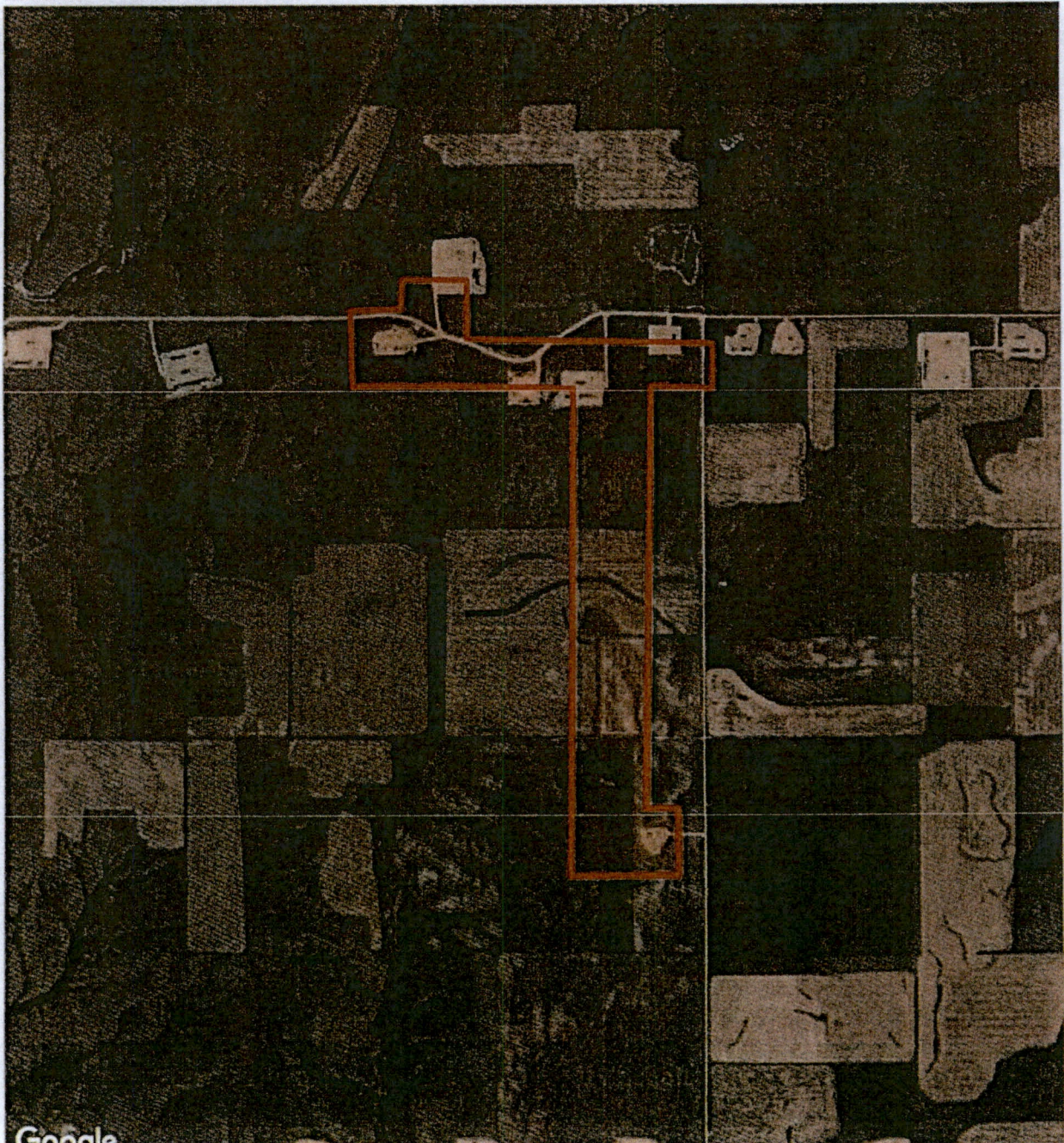
MEMBERS NOTIFIED

District	Company Name	Marking Concerns	Status
BEARPW01	ONEOK ROCKIES MIDSTREAM, LLC	918-588-7111	Marked
MOUNT01	MOUNTRAIL/WILLIAMS ELECTRIC CO	701-577-3765	Clear/No conflict
NWCOMM02	NORTHWEST COMMUNICATIONS COOP	406-274-4149	Clear/No conflict
SMND02	SUMMIT MIDSTREAM PARTNERS, LLC	701-500-2189	Marked (Marked Summit midstream utilities for bore crossings. Summit utilities marked at each crossing as numbered by contractor B2-14, B2-15, B2-41,B2-19. Contractor is aware of marking and location of Summit midstream utilities. Please call Corey 417-342-9068)
WHIPET02	WHITING OIL AND GAS CORP.	701-339-9739	Clear/No conflict (Drove the route called Daniel, and Kurt to let them know that Whiting utilities will not interfere with

District	Company Name	Marking Concerns	Status
ZAVLLC01	ZAVANNA, LLC	701-557-3543	the River Water R.O.W. Any questions call Keegan at 701-421-8148) Clear/No conflict

Legend:  Locate Polygon

Lat/Lon



Northwest Grading - OneCall Ticket - 19091502 - Seg 2 Sec B - 2

Date	Type	District	Company	Status	Notes
7/25/2019 15:56	Ticket Created				
7/25/2019 15:56	Ticket Check Response Added	ZAVLLC01	ZAVANNA, LLC	Not yet responded	
7/25/2019 15:56	Ticket Check Response Added	MOUNT01	MOUNTRAIL/WILLIA MS ELECTRIC CO	Not yet responded	
7/25/2019 15:56	Ticket Check Response Added	WHIPET02	WHITING OIL AND GAS CORP.	Not yet responded	
7/25/2019 15:56	Ticket Check Response Added	BEARPW01	ONEOK ROCKIES MIDSTREAM, LLC	Not yet responded	
7/25/2019 15:56	Ticket Check Response Added	NWCOMM02	NORTHWEST COMMUNICATIONS COOP	Not yet responded	
7/25/2019 15:56	Ticket Check Response Added	SMND02	SUMMIT MIDSTREAM PARTNERS, LLC	Not yet responded	
7/26/2019 12:55	Ticket Check Response Added	NWCOMM02	NORTHWEST COMMUNICATIONS COOP	Clear/No conflict	
7/26/2019 13:40	Ticket Check Response Added	ZAVLLC01	ZAVANNA, LLC	Clear/No conflict	
7/26/2019 14:40	Ticket Check Response Added	WHIPET02	WHITING OIL AND GAS CORP.	Clear/No conflict	Drove the route called Daniel, and Kurt to let them know that Whiting utilities will not interfere with the River Water R.O.W. Any questions call Keegan at 701-421-8148
7/26/2019 15:43	Ticket Check Response Added	MOUNT01	MOUNTRAIL/WILLIA MS ELECTRIC CO	Clear/No conflict	
7/29/2019 9:05	Ticket Check Response Added	SMND02	SUMMIT MIDSTREAM PARTNERS, LLC	Not Complete/In Progress: Locator has spoken with the excavator and made arrangements.	
Work Start Deadline 7-30-2019 thru 8-20-2019					
7/31/2019 10:19	Ticket Check Response Added	BEARPW01	ONEOK ROCKIES MIDSTREAM, LLC	Not Complete/In Progress: Locator has spoken with the excavator and made arrangements.	
8/2/2019 16:54	Ticket Check Response Added	SMND02	SUMMIT MIDSTREAM PARTNERS, LLC	Marked	Marked Summit midstream utilities for bore crossings. Summit utilities marked at each crossing as numbered by contractor B2-14, B2-15, B2-41, B2-19. Contractor is aware of marking and location of Summit midstream utilities. Please call Corey 417-342-9068
8/5/2019 9:20	Ticket Check Response Added	BEARPW01	ONEOK ROCKIES MIDSTREAM, LLC	Marked	

North Dakota One Call

#3

Ticket No: 19106578
LORQ MODIFY
Update of: 19091502
Original Call Date: 08/15/19 05:35 pm
Op: webusr5
Work to Begin Date: 08/20/19 12:01 am
Op: webusr5
Expiration Date: 09/10/19 12:01 am

CALLER INFORMATION

Company Name: NORTHWEST GRADING INC.
Fax Phone:
Contact Name: KURT CRISPIN
Phone: 509-528-4759
Alt Contact: JON KETCHUM
Alt. Phone: 208-290-4279
Caller Address: 1875 N. LAKEWOOD DR, SUITE 201 COEUR D' ALENE, ID 83815
Email Address: kurt.crispin@northwestgrading.com

DIG SITE INFORMATION

Type of Work: INSTALL WATER MAIN
Work Being Done For: RIVERWATER
Depth: OVER 10FT
Explosives: N
Tunneling/Boring: Y
White Lining:

DIG SITE LOCATION

County: WILLIAMS
Place: SPRINGBROOK TWP
City Limits: N
Address:
Street: 54TH ST NW
Intersecting Street: 126TH AVE NW
Location of Work: THIS IS THE BEGINNING OF SEGMENT 2 SECTION B.

THIS LINE SEGMENT 2 HAS THREE SECTIONS (A,B & C) EACH HAS ITS OWN ONE CALL TICKET

LOCATE FOR THE LENGTH OF THE 4 IN WATER LINE TO A WIDTH OF 50 FT, 25 FT EACH SIDE OF PIPE. STARTING AT A POINT APPROX. 2550 FT EAST AND 500 FT SOUTH OF THE INTERSECTIONS OF 54TH ST NW AND 126TH AVE NW (STA. 143+63.59, DWG PP-2.5).

AND (2B-P9B2) A 50 FT BORE NORTH WEST STARTING 40 FT NORTH OF BORE 1. (DWG PP2.6)

THE LINE CONTINUES WEST WITH A 350 FT BORE UNDER EXISTING UTILITIES (B2-10 AT STA 155+65.47 TO STA. 159+15.47)

THE LINE RUNS WEST 285 FT TO THE NEXT BRANCH A 120 FT RUN DUE NORTH TO THE ALICE PAD THAT INCLUDES A 110 FT BORE (B2-P10) FROM THAT BRANCH IT CONTINUES WEST 124 FT TO THE NEXT BORE UNDER EXISTING UTILITIES (B2-11 AT STA 163+23.72 TO STA. 163+73.72)

THE LINE CONTINUES WEST 186 FT TO THE NEXT BORE UNDER EXISTING UTILITIES (B2-12 AT STA 166+09.92 TO STA.163+73.72)

THE LINE RUNS WEST 75 FT TO A TEE THE NORTH LEG IS A 825 FT RUN TO RENNERTFELDT 34M PAD INCLUDING A 210 FT BORE UNDER 54TH ST NW AND EXISTING UTILITIES (B2-P11) AT STA. 4+86.72 TO STA. 6+96.66 OF THE BRANCH)

THE MAIN LINE CONTINUES SOUTH FROM THE TEE 66 FT TO THE NEXT BORE (B2-13 AT STA 167+51.79 TO STA. 168+11.79) THE LINE RUNS ANOTHER 58 FT SOUTH

THE LINE TURNS WEST AND RUNS 133 FT TO THE NEXT BORE THAT GOES UNDER 126TH AVE NW AND UTILITIES (B2-14 AT STA. 169+44.82 TO STA. 171+44.95)

THE LINE RUNS 242 FT TO THE NEXT BRANCH LINE A 240 FT RUN NORTH TO THE EVANS 1-4 SWD PAD INCLUDING A 130 FT BORE (B2-P12) UNDER UTILITIES

THE MAIN LINE RUNS WEST 716 FT TO THE NEXT BORE WHICH RUNS NORTH (B2-15A AT STA. 181+04.05 TO STA. 182+03.99)

THE LINE THEN TURNS WEST FOR 55 FT TO THE NEXT BORE WHICH RUNS UNDER A PAD ACCESS ROAD AND UTILITIES (B2-15 AT STA. 182+61.40 TO STA. 185+61.40)

THE LINE RUNS 239 FT TO THE NEXT BRANCH LINE A 80 FT BORE SOUTH TO THE EVANS (DP11) PAD (B2-P13 , DWG PP2.7)

THE MAIN LINE RUNS 308 FT WEST TO THE NEXT BORE WHICH RUNS UNDER A LAY DOWN YARD ACCESS ROAD AND UTILITIES (B2-16 AT STA. 191+07.97 TO STA. 192+57.97)

THE LINE RUNS 150 FT WEST BEFORE SHIFTING NORTH 50 FT IN THE NEXT 305 FT RUN IN THE WESTERLY DIRECTION BEFORE RESUMING ITS DUE WEST RUN FOR 972 FT TO THE NEXT BRANCH A 850 FT RUN NORTH TO THE (DORTHY LYNCH LIFE ESTATE) PAD (DP 10) WHICH INCLUDES (B2-P14) A 525 FT BORE UNDER

54TH ST ACCESS ROADS AND UTILITIES.

THE MAIN RUNS WEST 80 FT TO THE NEXT BORE (B2-17 AT STA. 205+64.32 TO STA. 206+39.32) UNDER UTILITIES

THE LINE RUNS WEST 710 FT THEN TURNS NORTH FOR 265 FT TO THE NEXT BORE UNDER UTILITIES (B2-18 AT STA. 216+14.57 TO STA. 216+64.57, DWG PP2.8)

THE MAIN LINE RUNS 15 FT TO A TEE AT STA. 216+78.85. THE EAST LEG OF THE TEE RUNS 225 FT TO PAULSON 49 1-H PAD THE EAST LEG OF THE TEE RUNS THE NEXT BORE (B2-19) STA. 219+72.00

THIS IS THE END POINT FOR SEGMENT 2 SECTION B AND THE BEGINNING OF SEGMENT SECTION C

THIS PIPELINE WILL BE SURVEYED AND STAKED.

SEE ATTACHED DRAWINGS DATED AFTER AUGUST 1ST FOR CLARIFICATION.


THIS LOCATE IS WITHIN TOWNSHIP 154N, RANGE 99W, SECTIONS 3,4 AND 10 AS WELL AS TOWNSHIP 155N, RANGE 99W, SECTION 33 .

Map Coord NW Lat: 48.1992905
Lon: -103.4288919
SE Lat: 48.1950235
Lon: -103.3981022

MEMBERS NOTIFIED

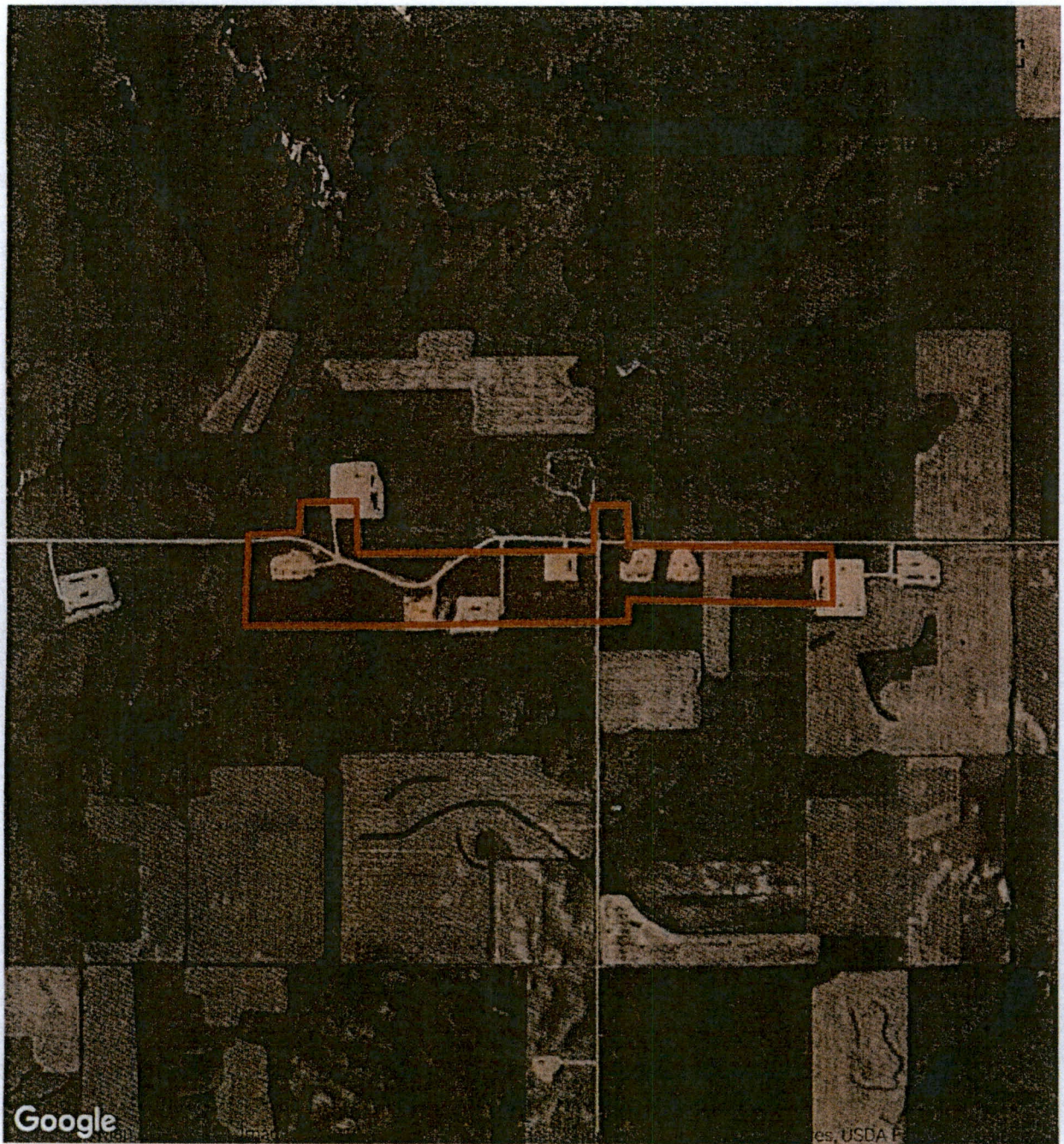
District	Company Name	Marking Concerns	Status
BEARPW01	ONEOK ROCKIES MIDSTREAM, LLC	918-588-7111	Marked
MOUNT01	MOUNTRAIL/WILLIAMS ELECTRIC CO	701-577-3765	Marked
NWCOMM02	NORTHWEST COMMUNICATIONS COOP	406-274-4149	Marked
SMND02	SUMMIT MIDSTREAM PARTNERS, LLC	701-500-2189	Marked (Marked Summit midstream utilities for bore crossings. Summit utilities marked at each crossing as numbered by contractor B2-14, B2-15, B2-41, B2-19. Contractor is aware of marking and location

District	Company Name	Marking Concerns	Status
WHIPET02	WHITING OIL AND GAS CORP.	701-339-9739	of Summit midstream utilities. Please call Corey 417-342-9068) Clear/No conflict (Met with John to let him know that his worksite will not interfere with Whiting utilities let him know that Whiting has no utilities that leave location,requested to meet up before any work takes place ,any questions call Keegan at 701-421-8148)

Legend:  Locate Polygon

Lat/Lon

48.216857 -103.394969



Google

es, USDA F

Northwest Grading - OneCall Ticket - 19106578 - Seg 2 Sec B - 3

Date	Type	District	Company	Status	Notes
8/15/2019 17:55	Ticket Created				
8/15/2019 17:55	Ticket Check Response Added	BEARPW01	ONEOK ROCKIES MIDSTREAM, LLC	Not yet responded	
8/15/2019 17:55	Ticket Check Response Added	MOUNT01	MOUNTRAIL/WILLIA MS ELECTRIC CO	Not yet responded	
8/15/2019 17:55	Ticket Check Response Added	WHIPET02	WHITING OIL AND GAS CORP.	Not yet responded	
8/15/2019 17:55	Ticket Check Response Added	NWCOMM02	NORTHWEST COMMUNICATIONS COOP	Not yet responded	
8/15/2019 17:55	Ticket Check Response Added	SMND02	SUMMIT MIDSTREAM PARTNERS, LLC	Not yet responded	
8/16/2019 9:43	Ticket Check Response Added	SMND02	SUMMIT MIDSTREAM PARTNERS, LLC	Marked	Marked Summit midstream utilities for bore crossings. Summit utilities marked at each crossing as numbered by contractor B2-14, B2-15, B2-41, B2-19. Contractor is aware of marking and location of Summit midstream utilities. Please call Corey 417-342-9068
8/16/2019 13:19	Ticket Check Response Added	NWCOMM02	NORTHWEST COMMUNICATIONS COOP	Marked	
8/19/2019 7:47	Ticket Check Response Added	MOUNT01	MOUNTRAIL/WILLIA MS ELECTRIC CO	Marked	
8/19/2019 13:50	Ticket Check Response Added	WHIPET02	WHITING OIL AND GAS CORP.	Clear/No conflict	Met with John to let him know that his worksite will not interfere with Whiting utilities let him know that Whiting has no utilities that leave location, requested to meet up before any work takes place ,any questions call Keegan at 701-421-8148
Work Start Deadline 8-20-2019 thru 9-10-2019					
8/20/2019 0:03	Ticket Check Response Added	BEARPW01	ONEOK ROCKIES MIDSTREAM, LLC	Not Complete/In Progress: Locator has spoken with the excavator and made arrangements.	
8/23/2019 8:35	Ticket Check Response Added	BEARPW01	ONEOK ROCKIES MIDSTREAM, LLC	Marked	

North Dakota One Call

Ticket No: 19091502
 LOGR RESPOT
Relocate Counter: 1
Update of: 19082552
Updated by: 19106578
Original Call Date: 07/25/19 03:55 pm
Op: webusr5
Work to Begin Date: 07/30/19 12:01 am
Op: webusr5
Expiration Date: 08/20/19 12:01 am

CALLER INFORMATION

Company Name: NORTHWEST GRADING INC.
Contact Name: KURT CRISPIN
Phone: 509-528-4759
Alt Contact: DANIEL KRICK
Alt. Phone: 208-277-6253
Caller Address: 1875 N. LAKEWOOD DR, SUITE 201 COEUR D' ALENE, ID 83815
Email Address: kurt.crispin@northwestgrading.com

DIG SITE INFORMATION

Type of Work: INSTALL WATER MAIN
Work Being Done For: RIVERWATER
Depth: OVER 10FT
Explosives: N
Tunneling/Boring: Y
White Lining/Site Identification:

DIG SITE LOCATION

County: WILLIAMS
Place: SPRINGBROOK TWP
City Limits: N
Address:
Street: 54TH ST NW
Intersecting Street: 126TH AVE NW
Location of Work: LOCATE FOR THE LENGTH OF THE 4 IN WATER LINE TO A WIDTH OF 50 FT, 25 FT EACH SIDE OF PIPE.

STARTING AT A POINT APPROX. 575 FT SOUTH OF 54TH ST NW AND 25 FT EAST OF 126TH AVE NW (STATION 168+50, DWG PP2.6) THE LINE RUNS WEST FOR 2300 FT BEFORE JOGGING WEST NORTHWEST FOR A DISTANCE OF 300 FT BEFORE RESUMING ITS WEST WARD DIRECTION FOR APPROX. ANOTHER 1630 FT THEN TURNS NORTH FOR 330 FT (STATION 214+75, DWG PP2.8).

THERE IS A 4 IN SERVICE LINE (SERVICE 2) THAT BREAKS OFF THE MAIN

LINE AT STATION 179+91 (SEE DWG PP2.6 & PP2.15) AND RUNS SOUTH FOR 370 FT BEFORE JOGGING SOUTH SOUTHWEST FOR A DISTANCE OF 410 FT BEFORE RUNNING SOUTH FOR ANOTHER 5220 FT TO STATION 60+00 OF THE BRANCH LINE BEFORE TURNING EAST FOR 444FT (SEE DWG PP2.6, PP2.15, PP2.16, AND PP2.17).

A SECOND SERVICE LINE A 1 IN LINE (SERVICE 3) BREAKS OFF THE MAIN AT STATION 202+71 AND RUNS NORTH ACROSS 54TH ST NW FOR A DISTANCE OF 850 FT . (SEE DWGS PP2.7 & PP2.18) THIS PIPELINE WILL BE SURVEYED AND STAKED. SEE ATTACHED DRAWINGS FOR CLARIFICATION.

THIS LOCATE IS WITHIN TOWNSHIP 154N, RANGE 99W, SECTIONS 3,4 AND 10 AS WELL AS TOWNSHIP 155N, RANGE 99W, SECTION 33 .

Remarks:

Caller Twp: 154N
Rng: 99W
Sect-Qtr: 3-NW, 4-NE-NW-SE
Map Twp: 154N
Rng: 99W
Sect-Qtr: 9-NE,4-NW-SE-NE,3-NW
Map Twp: 155N
Rng: 99W
Sect-Qtr: 33-SW
Map Coord NW Lat: 48.1992119
Lon: -103.4287211
SE Lat: 48.1786631
Lon: -103.4098007

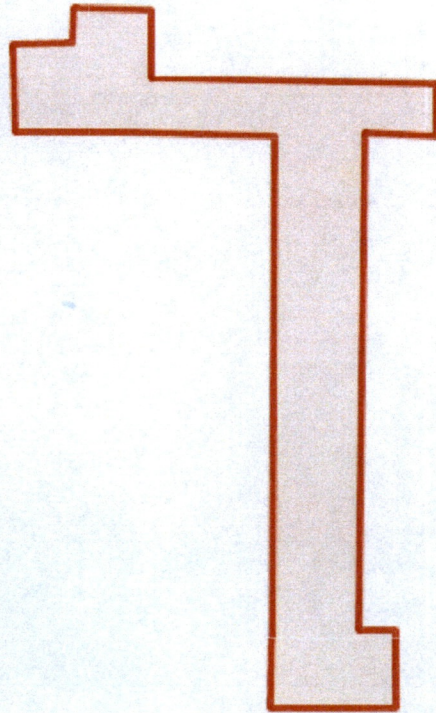
MEMBERS NOTIFIED

District	Company Name	Marking Concerns	Status
BEARPW01	ONEOK ROCKIES MIDSTREAM, LLC	800-778-7834	Marked
MOUNT01	MOUNTRAIL/WILLIAMS ELECTRIC CO	701-577-3765	Clear/No conflict
NWCOMM02	NORTHWEST COMMUNICATIONS COOP	406-274-4149	Clear/No conflict
SMND02	SUMMIT MIDSTREAM PARTNERS, LLC	701-500-2189	Marked (Marked Summit midstream utilities for bore crossings. Summit utilities marked at each crossing as numbered by contractor B2-14, B2-15, B2-41,B2-19. Contractor is aware of marking and location of Summit midstream utilities. Please call Corey 417-342-9068)

District	Company Name	Marking Concerns	Status
WHIPET02	WHITING OIL AND GAS CORP.	701-339-9739	Clear/No conflict (Drove the route called Daniel, and Kurt to let them know that Whiting utilities will not interfere with the River Water R.O.W. Any questions call Keegan at 701-421-8148)
ZAVLLC01	ZAVANNA, LLC	701-557-3543	Clear/No conflict

Legend:  Locate Polygon

Lat/Lon



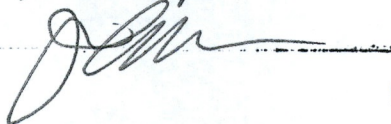
Google

500 m

Map data ©2020

APPROVED

DATE 23 Sept. 2020



STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Public Service Commission
Northwest Grading, Inc.
Damage Prevention Enforcement

Case No. PU-19-312

MOTION

September 23, 2020

I move the Commission find the Formal Complaint filed by the North Dakota Public Service Commission Advocacy Staff on August 17, 2020, states a *prima facie* case, and serve the Complaint on the Respondent in Public Service Commission, Northwest Grading, Inc., Damage Prevention Enforcement, Case No. PU-19-312.

AR