

Memorandum

To: Commissioners Kroshus, Fedorchak and Christmann

From: Victor Schock Public Utility Analyst

VS

Date: June 26, 2020

Re: ND One-Call Complaint
Case No. PU-19-356

On November 4, 2019 a ND One-Call Complaint was received from Ryan Farmer with Kinder Morgan (KM), alleging that Crawford's Construction, Inc. (CCI) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to conduct its excavation in a careful and prudent manner.

Staff investigation found that on October 10, 2019 CCI personnel called in an excavation notice for an excavation near the intersection of 172nd Ave SW and 83rd St SW Marmath, ND with a work to begin date of October 16, 2019. On October 22, 2019 KM Personnel came to the site to observe CCI's excavation near their facilities. Upon arriving they learned that the excavation had already begun and were concerned that the excavation was near their above and below ground pipeline adjacent to the excavation. The complaint and pictures provided by KM show excavation within 12" of their pipeline.

CCI's November 21, 2019 response letter asserted that the mechanical excavator was 24" or more from KM's pipeline, and the excavation within 12" of the pipeline was completed by hand shovel.

Based on a thorough review of the pictures and statements by KM and CCI, staff agrees with CCI's assertion that the excavation within 24" of KM's pipeline was made by hand shovel, and would not be considered a violation of the North Dakota One Call Law.

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.