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August 4, 2020

*Via Electronic Mail Only*

Mr. Victor Schock  
Public Utility Analyst  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
[vschock@nd.gov](mailto:vschock@nd.gov)  
[ndpsc@nd.gov](mailto:ndpsc@nd.gov)

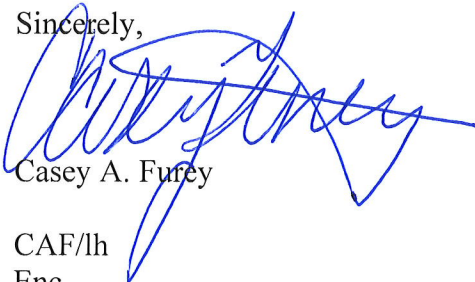
In re: ONEOK Bakken Pipeline, L.L.C.  
Tioga Lateral Pipeline Project  
Case No. PU-19-368  
Our File No. 072591-000009

Dear Mr. Schock:

On behalf of ONEOK Bakken Pipeline, L.L.C. ("ONEOK"), enclosed for filing in the above-referenced matter is an electronic copy of ONEOK's August 4, 2020 response to your July 29, 2020 Warning Letter, Docket No. 113.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Casey A. Furey

CAF/lh  
Enc.

cc: Michael Dailey (via email)  
Beth Ludwig (via email)



August 4, 2020

Mr. Victor Schock  
North Dakota Public Service Commission  
600 East Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**RE:**

**Case No. PU-19-368, docket #112  
ONEOK Bakken Pipeline, L.L.C.  
16-Inch NGL Pipeline – Williams County**

ONEOK Bakken Pipeline, L.L.C. (“ONEOK”) submits this letter in response to the July 29, 2020 Warning Letter issued by Public Service Commission (“PSC”) Staff in reference to WENCK Associates, Inc.’s July 24, 2020, Construction Inspection Report filed as docket item #112 in the subject case. The letter raised two concerns:

PSC Staff Concern #1: The PSC did not receive notice of the striking of an unknown underground facility during construction per Certification Relating to Order Provision No. 34 requiring PSC notification as soon as reasonably possible if any damage to underground facilities occurs.

ONEOK Response #1:

The ONEOK construction contractor followed procedure and made the required One-Call locate through the One-Call System prior to conducting excavation activities at the location. Despite these efforts, on May 8, 2020, the contractor struck and severed an unmarked line/cable during construction. The contractor immediately stopped work and notified Mountrail-Williams Electric Cooperative of the strike. Mountrail-Williams Electric Cooperative informed the contractor that the line/cable was abandoned. The contractor believed it unnecessary to notify ONEOK personnel for an abandoned line. Because of the lack of communication from the contractor, ONEOK did not have the relevant information of the incident to notify the PSC.

ONEOK has since discussed the situation with its contractors and coached them that any line strikes, whether active or abandoned, are to be reported immediately to the ONEOK construction field management and the environmental project manager for proper notification to the PSC. ONEOK would like to note that no injuries or environmental releases were associated with this incident.

ONEOK, Inc.  
100 West Fifth Street  
Tulsa, OK 74103  
[www.oneok.com](http://www.oneok.com)

August 4, 2020  
Mr. Victor Schock

PSC Staff Concern #2: Multiple instances of topsoil segregation issues.

ONEOK Response #2:

Environmental construction compliance is important to ONEOK. During ongoing construction, ONEOK's environmental inspector had identified areas where improvements could be made to topsoil segregation and was in the process of working with the construction contractor to ensure those areas were corrected. Additional training on the proper segregation and protection of topsoil was provided to crews and ONEOK believes appropriate corrective action was taken to address concerns. All stockpiled, segregated subsoil and topsoil has been returned to the construction right-of-way and final restoration activity is underway.

If you have any questions, please do not hesitate to contact Beth Ludwig at (918) 861-5372 (email [beth.ludwig@oneok.com](mailto:beth.ludwig@oneok.com)) or me at (918) 588-7721.

Sincerely,

DocuSigned by:  
*Todd McKimney*  
D9AC1DA0B5D742F...

Todd McKimney  
Vice President, Construction Projects

Enclosures:  
Public Service Commission Letter

cc:

Beth Ludwig, Environmental Project Manager  
Casey Furey – Crowley Fleck  
Tulsa Large Construction – Tioga Lateral Project



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

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July 29, 2020

Casey A. Furey  
Crowley Fleck PLLP  
100 West Broadway, Suite 250  
Bismarck, ND 58502-2798

RE: **WARNING LETTER**  
Case No. PU-19-368, docket #112  
ONEOK Bakken Pipeline, L.L.C.  
16-Inch NGL Pipeline – Williams County

We received a Construction Inspection Report from WENCK Associates, Inc. on June 24, 2020, filed as docket item #112 in this case. The report raises concerns for two reasons. The first is the striking of an unknown underground facility during construction. Per Certificate to Order Provisions paragraph 34, the Company shall notify the Commission as soon as reasonably possible if any damage to underground facilities occurs. While the report does not specify the date, it would seem that this occurred at least a month ago and to date the Commission has not been notified. The second area of concern is the multiple instances of topsoil segregation issues. While I understand that ONEOK used contractors to construct this pipeline, it is ultimately ONEOK's responsibility to ensure topsoil is properly segregated and protected.

If ONEOK has future occurrences of similar incidents, the Commission may take more formal enforcement actions.

Best regards,

Victor Schock  
Public Utility Analyst

113 **PU-19-368** Filed: 7/29/2020 Pages: 1  
**Warning Letter re 24 July 2020 Construction  
Inspection Report**

Public Service Commission

Victor Shock