



# 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  
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Fax: 701-328-2410  
TDD: 800-366-6888 or 711

January 22, 2020

Dave Wieferich  
Cowboy Crane Service, LLC  
3003 32<sup>nd</sup> Ave S, Suite 240  
Fargo, ND 58103

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

Dear Dave:

Enclosed is a copy of a ND One-Call Complaint, against Cowboy Crane Service, LLC, received by the North Dakota Public Service Commission on January 10, 2020, from Ryan Farmer at Kinder Morgan, of Williston, ND, Case Number PU-20-019. The location of the incident identified in the complaint is approximately Slawson Bootlegger 6 – Lat: 48.157944, Lon: -103.379021, near 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 February 5, 2020**, 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 Cowboy Crane Service, LLC 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,

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  
c: Ryan Farmer



# 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 Ave SE bldg 29	City Williston	State and Zip Code North Dakota 58801
Telephone and Cell Phone Number 701-339-6090	Email Address ryan_fermer@kindermorgan.com		Date 1/10/20
<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 Cowboy Crane Services LLC	Street Address 11800 Hwy 261	City Sidney	State and Zip Code MT 59270
Telephone and Cell Phone Number 406-489-7961	Email Address dave@cowboycraneservice.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 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 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) _____
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Location of Violation:  
Stawson Bootlegger 6 - Lat: 48.167944 Long: -103.379021

Date and Time of Violation:  
Unknown. Discovery date 12/28/19 11:00am.

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.*

Excavation company dug trenches for drainage approximately 25-50' in total length approximately 1-2' deep without notification to the state one call system being made 48 hours prior to excavation. Excavation was performed across below ground Kinder Morgan owned assets as well as within 5 feet of above ground assets with no notification to state or company.

## PART D – DAMAGE

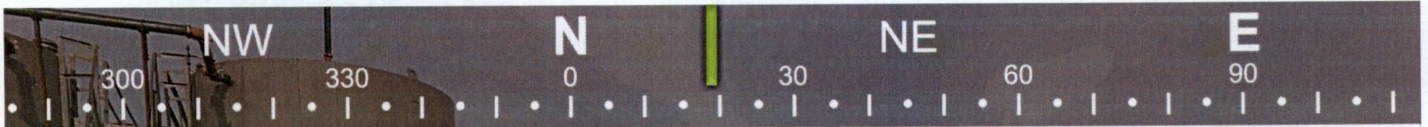
Fatalities No damage to Kinder Morgan facilities.	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: 4" crude pipeline, riser, and valve. Kinder Morgan owned and operated		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ None	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 1/10/20
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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

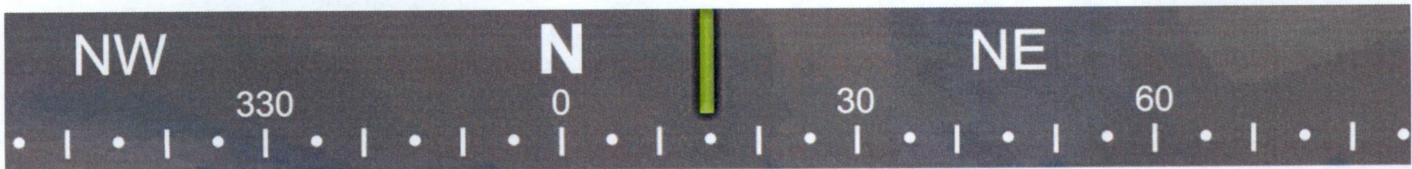


☉ 19°N (T) LAT: 48.157944 LON: -103.379021 ±13.1ft ▲ 2354ft



Uknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 13:06:00



☉ 15°N (T) LAT: 48.157951 LON: -103.378906 ±13.1ft ▲ 2355ft



Uknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 13:06:13

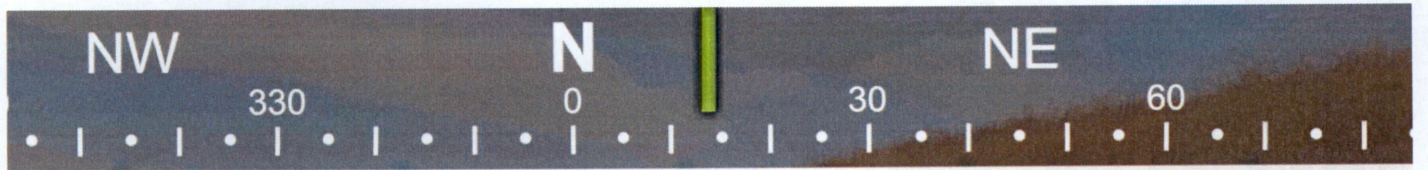


☉ 355°N (T) LAT: 48.157970 LON: -103.378922 ±13.1ft ▲ 2356ft



Uknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 13:06:19



☉ 14°N (T) LAT: 48.158001 LON: -103.378952 ±13.1ft ▲ 2352ft



Uknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 13:06:30

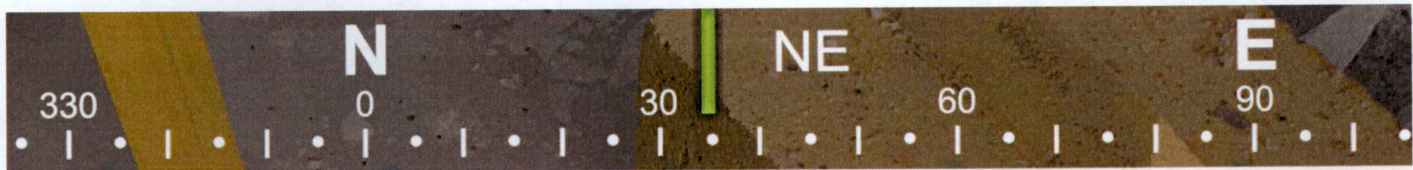


☉ 49°NE (T) LAT: 48.158020 LON: -103.379005 ±13.1ft ▲ 2351ft



Uknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 13:06:40



☉ 35°NE (T) LAT: 48.158070 LON: -103.378792 ±725.1ft ▲ 2351ft



Uknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 13:07:12

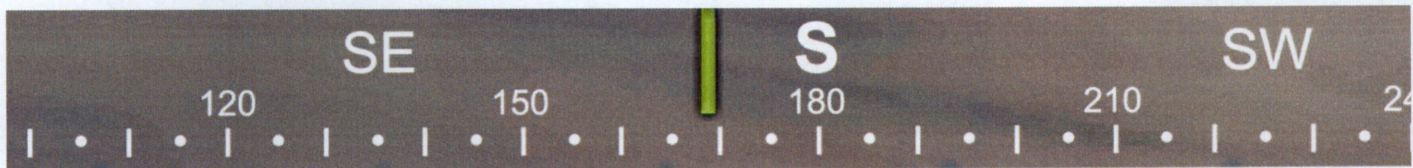


☉ 187°S (T) LAT: 48.158073 LON: -103.378952 ±26.2ft ▲ 2352ft



Uknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 13:07:28



☉ 169°S (T) LAT: 48.158073 LON: -103.378975 ±13.1ft ▲ 2352ft



Unknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 13:07:39



☉ 222°SW (T) LAT: 48.158062 LON: -103.378960 ±13.1ft ▲ 2353ft



Unknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 13:07:48



☉ 172°S (T) LAT: 48.158054 LON: -103.378929 ±36.1ft ▲ 2353ft



Uknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 13:41:04

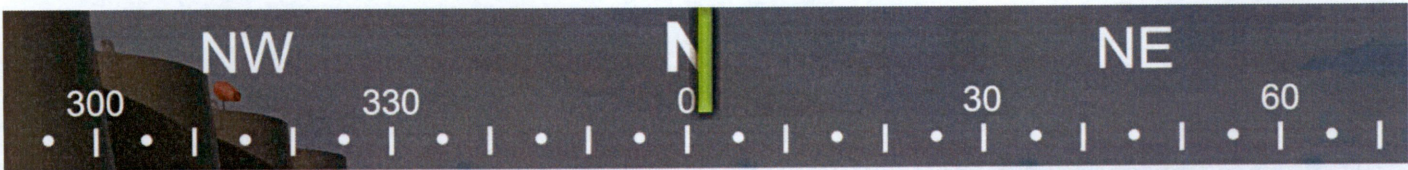


☉ 139°SE (T) LAT: 48.158051 LON: -103.379021 ±13.1ft ▲ 2352ft



Uknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 13:41:14

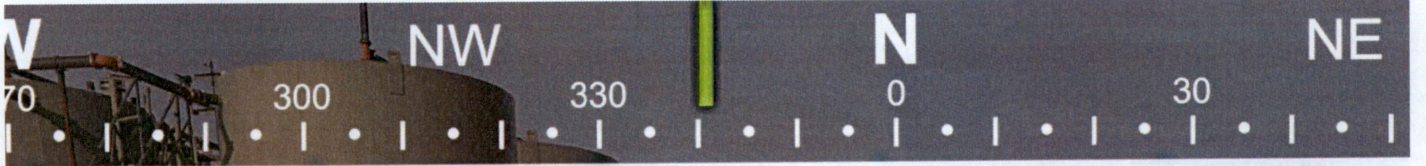


☀ 1°N (T) LAT: 48.157944 LON: -103.378922 ±13.1ft ▲ 2359ft



Uknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 13:41:38

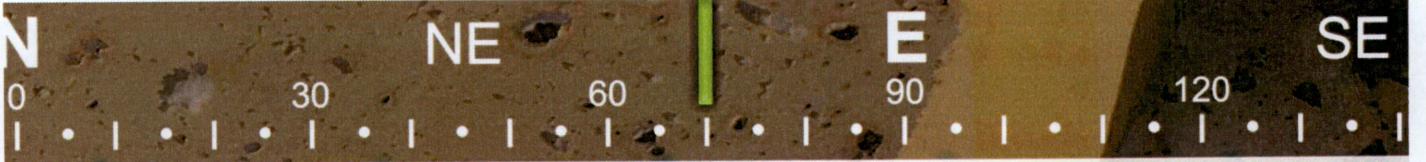


☉ 341°N (T) LAT: 48.157963 LON: -103.378944 ±13.1ft ▲ 2355ft



Uknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 13:41:43

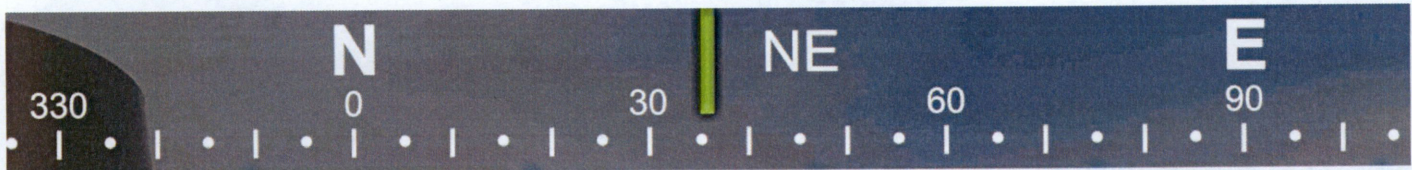


70°E (T) LAT: 48.158066 LON: -103.378914 ±13.1ft ▲ 2355ft



Uknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 14:09:06



☀ 35°NE (T) LAT: 48.157948 LON: -103.378891 ±23.0ft ▲ 2352ft



Uknown work  
Danny Prine

Slawson bootlegger 6  
28 Dec 2019, 14:47:23