



Public Service Commission State of North Dakota

COMMISSIONERS

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July 26, 2021

Mr. Steve Kahl
Executive Secretary
ND Public Service Commission
600 E Boulevard Avenue Dept. 408
Bismarck, ND 58505-0480

via Hand Delivery

Re: Case No. PU-20-210
Public Service Commission
B & G Oilfield Services
Damage Prevention Enforcement

Dear Mr. Kahl:

Enclosed is a copy of the Consent Agreement to be filed in the above captioned case.

Best Regards,

A handwritten signature in blue ink, appearing to read "Brian Johnson".

Brian Johnson
Legal Counsel

Enclosure

related to a hydro excavation to verify the location of another line at latitude 47.936953 and longitude at -103.337359 north of Watford City, ND. The expiration date for the ticket was June 3, 2020.

On May 8, 2020, B&G began an excavation as defined in NDCC section 49-23-01(7) at the location cited in the excavation notice. This excavation took place prior to receiving notice that all facilities had been located. No damage to any underground facility was mentioned on the ticket a result of this excavation.

NDCC section 49-23-04(4) states an "excavator may begin excavation in a location when the excavator has received notice that all facilities have been located or cleared or at the expiration of the location period or extension of the location period."

Having investigated the alleged violation, Staff believes that B&G violated NDCC section 49-23-04(4).

B&G and Staff engaged in good faith settlement discussions resulting in this Consent Agreement. Having agreed that settlement of this proceeding will avoid further administrative proceedings or litigation and that entry of this Consent Agreement is the most appropriate means of resolving this administrative action, Staff and B&G agree to the following, subject to the approval and acceptance of the Commission:

1. B&G violated NDCC section 49-23-04(4) for beginning an excavation prior to receiving notice that all facilities had been located.
2. B&G agrees to be assessed a civil penalty of \$500. B&G agrees to remit \$250 of the \$500, payable to the North Dakota Public Service Commission within ten business days of service of an Order accepting or approving the Consent

Agreement (Order). The remaining \$250 civil penalty is suspended on the condition that B&G commits no further violation of NDCC section 49-23 within five years of the date of the Order.

3. In the event the Commission finds B&G violated the NDCC section 49-23 within five years of the date of the Order, B&G shall remit the suspended portion of the penalty, within the time ordered by the Commission, in addition to any additional fines or penalties imposed for the subsequent violation.
4. If within five years of the date of the Order there is no subsequent violation of the NDCC section 49-23 by B&G, the remaining \$250 penalty is withdrawn.
5. Staff agrees no other proceeding will be initiated and no other remedy or penalty will be sought based on the violation alleged in the Case.
6. B&G consents to the filing of the Consent Agreement and an Order and hereby waives any further procedural requirements with respect to the Order's issuance. Provided the Public Service Commission adopts this Consent Agreement and issues an Order consistent with it, B&G understands and agrees to waive all rights to contest the violation, the right to be represented by counsel, the right to present evidence and arguments to the Commission, the right to cross examine witnesses, or contest the validity of this Consent Agreement and Order, including all rights to administrative or judicial hearings or appeals.
7. There are no covenants, promises, undertakings, or understandings other than specifically set forth in this Consent Agreement and Order.

8. This agreement may be executed in counterparts and duplicate copies, each which shall be deemed to be an original, and which, when taken together, shall constitute one and the same instrument.
9. The undersigned is authorized to act on behalf of B&G and bind B&G for purposes of this Consent Agreement and knows and fully understands the content and effect.

Dated this 26th day of July, 2021

PUBLIC SERVICE COMMISSION
ADVOCACY STAFF – DAMAGE PREVENTION

By:  _____

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

Dated this 26th day of July, 2021

B&G Oilfield Services

By: Rick Thompson - Director of HSE & Training

Name:  _____