



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 SOUTHWEST WATER AUTHORITY	Street Address 4665 1/2 2nd Street SW	City DICKINSON	State and Zip Code ND 58601
Telephone and Cell Phone Number 701-225-0241	Email Address SWWater.com	Date 7-2-2020	
<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 COAL CREEK CONSTRUCTION INC	Street Address 326 USHWY 83 NW	City UNDERWOOD	State and Zip Code ND 58576
Telephone and Cell Phone Number 701-442-3188	Email Address ccreek@westriv.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 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 checked="" 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) _____
Location of Violation: EUGENE SAILER FARM 240 COUNTY ROAD 13 ZAP, ND T-146 R-89 S-24 SW
Date and Time of Violation: SEPTEMBER 17, 2019 4 PM MDT
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. SEE ATTACHED

PART D – DAMAGE

Fatalities	Injuries NONE	In-patient Hospitalization NONE
Underground facility type(s) and Operator(s) affected: 2" CL 160 PVC WATERLINE OWNED BY THE STATE WATER COMMISSION AND OPERATED BY SOUTHWEST WATER AUTHORITY		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$	Number of Customers Affected ONE	
Other impact of event: THE LINE STRUCK BY COAL CREEK IS PART OF A PUBLIC WATER SYSTEM REQUIRING A LICENCED WATER/SEWER INSTALLER FOR REPAIRS. DURING THE REPAIR, SAILERS ROAD WAS DAMAGED. BOTH REPAIR BILLS WERE SENT TO COAL CREEK.		
Please attach photos of Event Area or Damaged Facility ATTACHED		

PART I – SIGNATURE

Signature of Person Filing Complaint Andrea Erickson	Date 7-2-2020
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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



Our Vision: People and Business Succeeding with Quality Water Our Mission: Quality Water for Southwest North Dakota

MEMORANDUM

To : Lynn M. Mesteth, Attorney at Law, Dwyer Law Office

From: Andrew Erickson, Water Distribution Manager, SWA

Date: April 24, 2020

Subject: Coal Creek Construction (CCC) striking Southwest Pipeline Project (SWPP)

Copy: Mary Massad, Manager/CEO, SWA

On August 23, 2019, CCC called North Dakota One Call (NDOC) and was given ticket # 19112259, to install an electrical line by directional bore method for Roughrider Electric CO-OP at the Eugene Sailer Farm, north of Zap, ND. Southwest Water Authority (SWA) distribution operator, Brad Kilde marked the SWPP waterline with blue pin flags utilizing Geographic Information System (GIS) placed on a hand held Trimble survey instrument prior to the work to begin date of August 28, 2019. This SWPP Contract 7-9D waterline was surveyed by Bartlett & West Engineers shortly after its installation between September 6, 2012 and December 1, 2013. Kilde followed up his waterline marking with a telephone conversation with Chad Portra, the CCC contact person indicated on ticket # 19112259. Kilde informed Portra that his proposed worksite flags were too close to the SWPP waterline and that CCC should pothole the waterline for its exact location to avoid striking the waterline. Before the work was completed ticket # 19112259 expired on September 18, 2019.

On September 17, 2019, CCC called the NDOC to update ticket # 19112259 and was given ticket # 19128177. Southwest Water Authority (SWA) distribution operator, Gary Nordstrom marked the SWPP waterline using the hand held Trimble and GIS information prior to the work begin date of September 20, 2020.

Later that afternoon, I received a call from Eugene Sailer stating that he no longer had water service and that he thought CCC had struck the SWPP waterline providing his water service. I called Nordstrom to investigate Sailer's complaint and shut the water off until the waterline could be repaired. SWA hired Sletton Excavation of Center, ND, to repair the damaged waterline on September 18, 2019. SWA billed CCC for the repair because they chose to proceed with directional drilling without knowing the exact location of the SWPP waterline. CCC actions in this instance defy NDOC law in the N.D.C.C. Chapter 49-23 6b. and 6c. Whether SWA's flagging was accurate or not is a moot point. CCC is at fault because they never asked for SWA assistance in finding the waterline and chose to risk directional drilling without knowing exactly where the waterline was.

On October 25, 2019, I received an email from Roughrider Electric, informing me that Eugene Sailer had complained to them about damage to his driveway caused by the waterline repair on September 18,

2019. SWA repaired Sailer's driveway between October 29th and 31st, 2019. CCC was billed for the road repair done by SWA.

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#2

24

30'
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#1



23

24

electric
line
route

CR 13

09636
SAILER, EUGENE
7-9D

SWPP
water line

