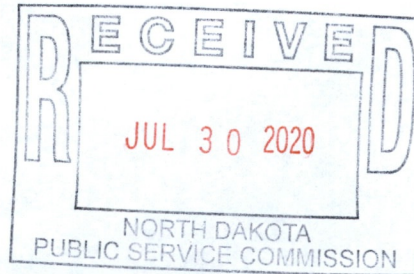




# BEK Consulting, LLC

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July 27, 2020

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

RE: ND One-Call Complaint – Case# PU-20-343

Dear Mr. Schock:

I am responding to your letter of July 17, 2020 concerning the above referenced ND One-call Complaint per your request.

First, Mr. Schock, I would like to state BEK Consulting LLC is not an “One Horse Operation”. We currently have five main crews on either reconstruction of existing, or construction of new water, sanitary sewer and storm sewer systems for State, County, and City entities as well as the private sector, including the oil industry. We also have two service crews performing repair and maintenance for these same customers and at times as additional support for a main crew on major projects. In short, we install or repair almost everything you will ever find buried in the ground for this type of work.

In a year, our crews will install literally miles of water, sanitary and storm sewer pipe along with all of the associated service lines to homes and businesses, manholes, inlet catch basins, pressure control vaults and everything else needed for a functioning system. During the performance of our work, our crews encounter every buried utility imaginable, whether they are currently in service or abandoned, or if they are known to be there or not. Each year with the amount of work we perform, our crews are exposed to thousands of utility crossings, gas, electric, water, sanitary and storm sewer, communication lines of all types, public and private. Do we hit some, yes, is it because we did not call in locates before we dig, no. We do not start any excavation without first calling locates. That is our policy at BEK Consulting.

Regarding the utility hit in New England ND reported by MDU and subject of the complaint. BEK Consulting is the prime contractor on the New England Water Replacement and Street Improvement – Phase 4 Project. Part of the

project involved a water line in an alley and this work conflicted with an existing MDU gas main. MDU has a franchise agreement with the city of New England and is obligated to mitigate this type of utility conflict. BEK met with Ike Kuntz of MDU to discuss the appropriate actions that could be taken to mitigate the conflict. After some discussion, Mr. Kuntz decided rather than move the gas line, to take the line out of service for approximately 36 hours, affecting 5 customers. To accomplish this, BEK agreed to excavate the gas main at two locations, which at this point we were working for MDU under their directions and at BEK's cost. This work was performed on Wednesday July 1, the day before the crew shut down for the scheduled 4<sup>th</sup> of July Holiday, July 2<sup>nd</sup> – July 7<sup>th</sup>. On Monday July 6<sup>th</sup> when MDU returned to work, Mr. Kuntz informed Lonnie Kern that the excavations dug the previous week were too short and needed to be lengthened out. As stated previously, our crew was not scheduled to be on site until Wednesday July 8<sup>th</sup>. We did, however, have our excavator operator who did not leave for the holiday break, available. Since MDU wanted to be ready to take the gas line out of service on the morning of July 8<sup>th</sup>, Mr. Kuntz agreed to have MDU personnel on site the morning of Tuesday July 7<sup>th</sup> to direct the additional excavation work and BEK agreed to have our operator on site at 8:00 am. We received a call from our operator at approximately 8:57 am, notifying Lonnie Kern of the gas line hit and no MDU personnel were yet on site.

Does this excuse the actions of our operator that day? Absolutely not. Does this excuse MDU from not having their personnel on site at 8:00 am as agreed to? Absolutely not. Our operator has almost 40 years of operating experience and should have not proceeded without a spotter to assist in the excavation. Our operator was asked to forfeit some of his holiday time to help the cause and became impatient. An experienced operator becomes accustomed to certain things such as how deep a gas main should be buried, 36", 24", 12". In the photographs contained in the complaint showing the depth of the pipe, the photographs of the south end of the excavation show the depth of the gas line at almost three feet. Photographs of the pipe at the north end of the excavation show the depth of the pipe between 12" and 18". We estimate in the distance from where the operator started to extend the existing trench to where the gas line was hit, the gas line came up 18" with not much over 12" of coverage over the pipe.

From some of the web searches I have done, my understanding is that gas lines in areas where the finished grade has not been determined, a minimum of 36" of cover is required. Where the finished grade has been determined, a minimum of 24" is required. We have uncovered gas lines right under asphalt pavement, curb and gutters, sidewalks, and driveways while in the process of removing these items and yes, we have hit some of these lines. We have yet had a complaint filed against us for hitting a utility in these instances.

Our normal procedure before starting a project is to map out the project in Google Maps and break the project into one block segments. This map is then downloaded and imported into the One-call System and each segment is designated with a label. In this case, the area where this utility conflict and hit

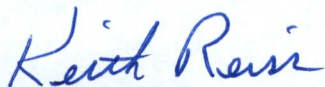
in question occurred is C4. Enclosed is a copy of the map for the New England project. Following are the locate numbers and the dates called in.

Original Ticket#	20047073	Date Called In	5-19-2020
Updated	20059082	Date Called In	6-03-2020
Updated	20067710	Date Called In	6-17-2020
Updated	20076916	Date Called In	6-26-2020
Updated	20080473	Date Called In	7-02-2020
Updated	20095283	Date Called In	7-23-2020

Mr. Schock, I appreciate the opportunity to tell our side of the story. As I stated before, BEK is not a "One Horse Operation". BEK Consulting has gained the reputation of being a company that can take on projects a lot of companies will not attempt and getting those projects completed in the highest professional manner and giving the owner what they pay for. Lonnie Kern; owner of BEK Consulting, did not start on the ground floor, he started at the bottom of a trench, working his way up and learning the business to get to where he is at today, running BEK Consulting. BEK strives to perform its responsibilities in the safest manner and at the highest professional level possible and does not take these responsibilities lightly. We not only do not take our responsibilities lightly; we take responsibility for our actions and in this unfortunate case, our operator did, exercise poor judgement and proceeded to go to work without a spotter. His actions should not be construed as an attempt by him or BEK Consulting to bypass One-Call regulations or to be standard practice of BEK Consulting in any way.

Again, I appreciate the opportunity to tell our story and if you have any question or comments, please give me a call. Thank you.

Respectfully Submitted,



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