



# 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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July 22, 2020

Tim Olson  
Tim W. Olson Construction, Inc.  
1709 N 19<sup>th</sup> St, Suite 3  
Bismarck, ND 58501-2121

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

Dear Tim:

Enclosed is a copy of a ND One-Call Complaint, against Tim W. Olson Construction, Inc., received by the North Dakota Public Service Commission on July 20, 2020, from Ryan Farmer at Kinder Morgan, of Williston, ND, Case Number PU-20-345. The location of the incident identified in the complaint is approximately 2 miles north of the intersection of 87<sup>th</sup> St SW and Camp Crook Road, near Marmarth, 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 August 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 Tim W. Olson Construction, Inc. 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

2 PU-20-345 Filed: 7/22/2020 Pages: 2  
Letter enclosing North Dakota One-Call Complaint

Public Service Commission  
Victor Schock



# 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 ND 58801
Telephone and Cell Phone Number 701-339-6090	Email Address ryan_farmer@kindermorgan.com		Date 7/20/20
<input 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 Olson Construction	Street Address P.O. Box 513	City Buffalo	State and Zip Code SD 57720
Telephone and Cell Phone Number 605-375-3751	Email Address SARAH@TIMOLSONCONST.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) _____
Location of Violation: Approx. 2 miles north of 87th St SW at location on the west side of Camp Crook Road near Marmarth ND
Date and Time of Violation: 7/16/20 10:57am MST
Description (summarize the observations on which you rely to allege the violation) <i>If more space is required, please provide the description on a separate page.</i>  Excavation company Olson Construction called in ticket numbers 20089050 and 20089174 to pothole utilities for a fence construction. Both tickets have a work to begin date of 7/16/20 @ 12:01am. On 7/16/20 at approximately 10:45am a representative from KM was responding to these locate requests and discovered that hydro-excavation had already taken place on KM owned assets. Excavation company failed to wait 48 hours before beginning any excavation.

## PART D – DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: Kinder Morgan owned liquids gathering pipeline		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ 0	Number of Customers Affected 0	
Other impact of event: None		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 7/20/20
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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