



Public Service Commission State of North Dakota

COMMISSIONERS

Brian Kroshus
Julie Fedorchak
Randy Christmann

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

September 16, 2020

Alturas Energy, LLC
c/o ND Secretary of State
600 E Boulevard Ave, Dept 108
Bismarck, ND 58505-0500

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

To Whom it may concern:

Enclosed is a copy of a ND One-Call Complaint, against Alturas Energy, LLC, received by the North Dakota Public Service Commission on September 15, 2020, from Lakin Pullman at Vertex, of Watford City, ND, Case Number PU-20-389. The location of the incident identified in the complaint is approximately three abandoned oil well pads in east Fairview CDP, 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 September 30, 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 Alturas Energy, 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 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: Lakin Pullman

2 **PU-20-389** Filed: 9/16/2020 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 Vertex, Lakin Pullman	Street Address 2101 4th Avenue NE, Unit 210	City Watford City	State and Zip Code ND, 58854
Telephone and Cell Phone Number	Email Address lpullman@vertex.ca		Date 09/15/2020
<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 Alturas Energy, LLC	Street Address	City	State and Zip Code North Dakota
Telephone and Cell Phone Number 214-769-5560	Email Address mcox@rockoilcorp.com		

PART C – ALLEGED VIOLATION

<input checked="" 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 checked="" 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: Three abandoned oil well pads in East Fairview CDP, ND, on the West edge of McKenzie County, ND, off of County Route 38, near Sidney Montana.
Date and Time of Violation: From 15:30 on 09/09/2020, to 07:30 on 09/15/2020.
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> Submitted tickets 20128400, 20128402, and 20128404 through North Dakota One Call website (https://nd.itic.occinc.com/) between 15:00 and 15:30 on 09/09/2020 in preparation for required excavation on abandoned oil well pads. Alturas Energy, LLC failed to mark specified sites or respond in any way within the required 48 hours, or after. We have attempted communication through all available contact information and still have had no response from Alturas Energy, LLC. We will now need to proceed with excavation with incomplete information due to the lack of compliance.

PART D – DAMAGE

Fatalities	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected:		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$		Number of Customers Affected
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Lakin Pullman	Date 09/15/2020
---	--------------------

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