



INCIDENT INVESTIGATION #198277



31ST AVE SE & S MAIN ST, MINOT, ND

LOCATION DETAILS

Event Date: 09/29/2020 08:03 AM America/Denver

Right-of-Way: City Street

AFFECTED FACILITY

Near Miss: No

Type of Operation Affected: Gas

Line Size and Type: 0.75" Plastic

Facility part of joint trench: No

Asphalt or concrete removed: No

Damage Surface Type and Depth: Dirt 18" - 36"

Arrival Date and Time: 09/29/2020 02:00 AM America/Denver

11 PU-20-423 Filed 01/03/2022 Pages: 37
Additional information from complainant
Montana-Dakota Utilities Co.



Distance from Ped to Ped: 0ft

Dimensions of Asphalt or Concrete Removed:

Repairs Taking Place Upon Arrival? Yes

Who Performed Repairs: Utility Company

Contractor Representative: Travis

Contractor Representative Phone Number:

Personnel On Site: 3

Vehicles/Equipment Being Used For Repairs: 2

Guards or Barricades On Site:

Facilities Replaced or Repaired: Repaired

Replacement Type: Permanant

Occurred During: Business Hours

Time Occurred:

DAMAGER

Company Name: WAGNER CONSTRUCTION

Contact: Trevor

Contact Phone: (218) 341-6689

Type of Work: Road work

Damage Responder: Jeremy, McLain

UTILITY INFORMATION

Utility Company Name: Montana Dakota Utilities

Utility Contact Name: DAWN

Utility Contact Phone:

Utility Representative: DAWN

Utility Rep Tech#:

Utility Rep. Present on Arrival: No

EXCAVATION INFORMATION

Excavator Type: Contractor

Excavation Equipment: Backhoe/Trackhoe

Work Performed: Road Work

Excavator downtime? No

Downtime hours: No

Downtime cost: No

NOTIFICATION AND LOCATING

One Call Center notified: Yes

Locator Type: Contract Locator

Work area white-lined: No

Ticket Number: 20133307

Date Located: 09/16/2020 01:07 AM America/Denver

Located By: Jude hintz

INTERRUPTION AND RESTORATION

Event cause Interruption: Yes

Interruption hours:

Customers Affected (approx.): 1

ROOT CAUSE

Damage within described dig area: Yes

Damage within legal time of request limit: Yes

Marks destroyed by construction: No

Marks destroyed by weather: No

Whiskers or flags used: Yes

Offsets were used on hard surfaces: No

Line was on prints: Yes

At Fault: Excavator

Documentation Issue: No

Documentation Issue Comments:

Tolerance Zone: No

Marking Standards: No

Marking Standards Comments:

Locate Requested: Yes

Damage with Tolerance Zone: Yes

No Locates on Facility: No

Damage Exposed Facility: No

COMMENTS

Assessment Comments: Wagner didn't pot hole, just dug and thought it was deeper. Travis said we needed to file a complaint with 811, they have already done so. Travis also said due to old mark's and flags we are clearly not at fault. We found a more current ticket, which is why the comparison photos will be from 10-1 and not 9-29

INCIDENT AND SURVEY COMPARISON PHOTOS

SURVEY PHOTO



Date: 09/16/2020 03:56 PM America/Denver

Latitude: 48.201944

Longitude: -101.293056

Heading: 89 degrees

INCIDENT COMPARISON PHOTO



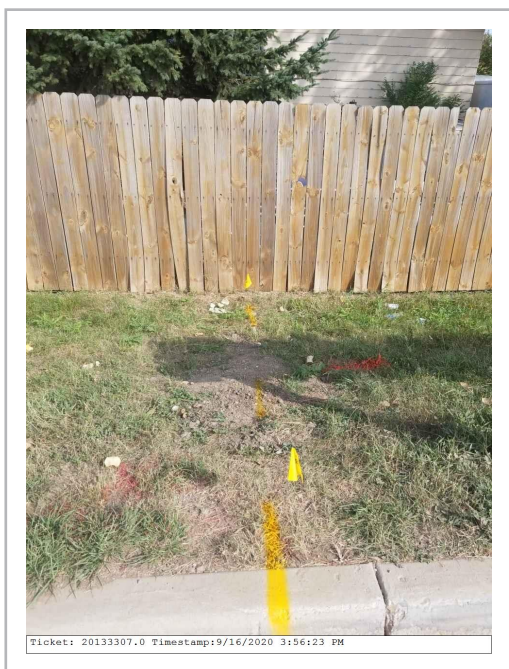
Date: 10/01/2020 08:56 AM America/Denver

Latitude: 48.202124

Longitude: -101.293237

Heading: 98 degrees

SURVEY PHOTO



Date: 09/16/2020 03:56 PM America/Denver

Latitude: 48.201944

Longitude: -101.293056

Heading: 91 degrees

INCIDENT COMPARISON PHOTO



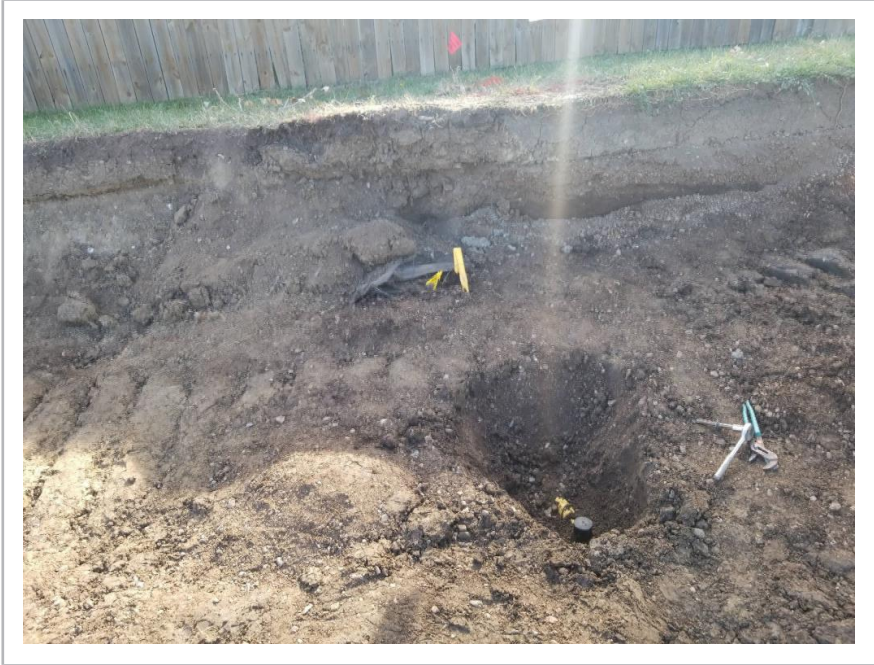
Date: 10/01/2020 08:56 AM America/Denver

Latitude: 48.202118

Longitude: -101.293259

Heading: 97 degrees

NEW INCIDENT PHOTOS



Date: 09/29/2020 09:33 AM
America/Denver

Latitude: 48.202131

Longitude: -101.293229

Heading: 349 degrees



Date: 09/29/2020 09:33 AM
America/Denver

Latitude: 48.202131

Longitude: -101.293229

Heading: 342 degrees



Date: 09/29/2020 09:33 AM
America/Denver

Latitude: 48.202134

Longitude: -101.293218

Heading: 351 degrees



Date: 09/29/2020 09:33 AM
America/Denver

Latitude: 48.202134

Longitude: -101.293218

Heading: 355 degrees

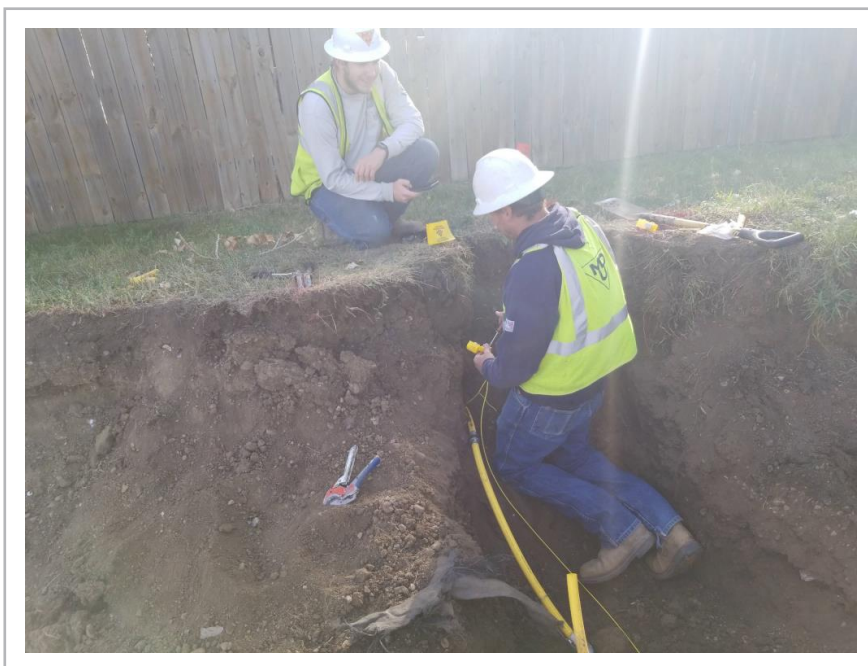


Date: 09/29/2020 09:34 AM
America/Denver

Latitude: 48.202135

Longitude: -101.293224

Heading: 11 degrees

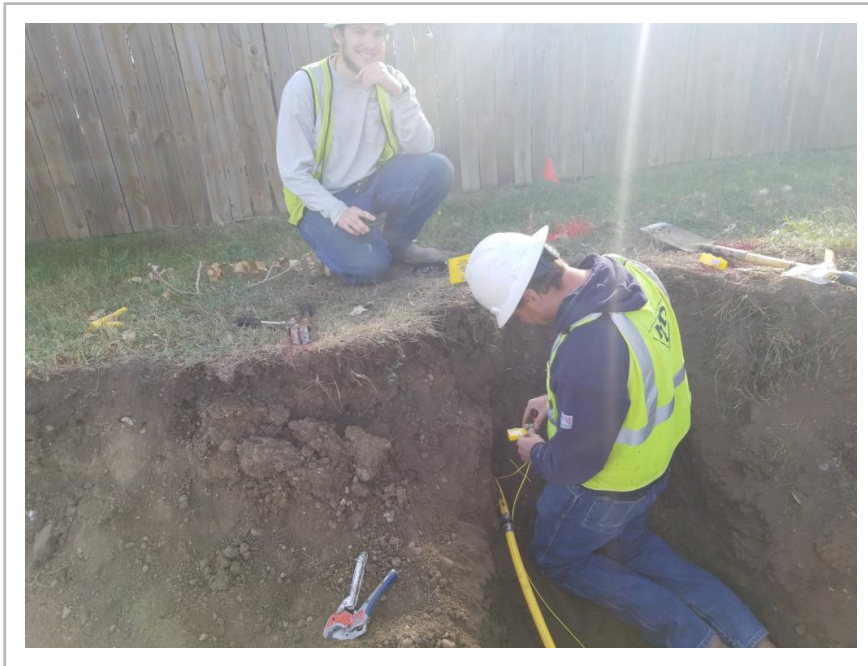


Date: 09/29/2020 09:34 AM
America/Denver

Latitude: 48.201957

Longitude: -101.293151

Heading: 354 degrees



Date: 09/29/2020 09:34 AM
America/Denver

Latitude: 48.202045

Longitude: -101.293114

Heading: 81 degrees

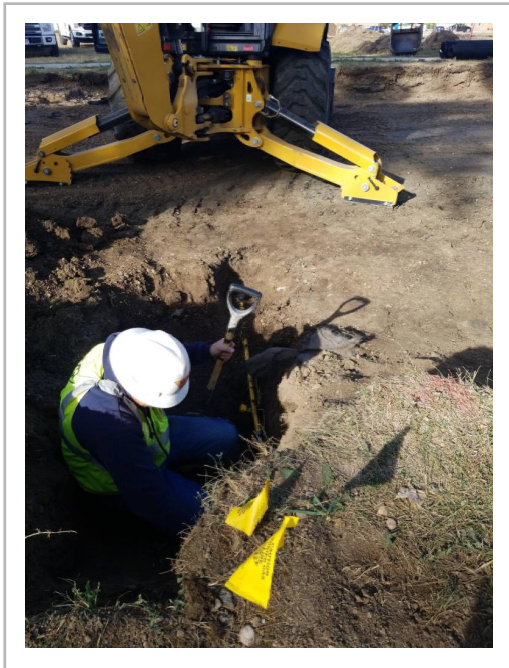


Date: 09/29/2020 09:34 AM
America/Denver

Latitude: 48.202045

Longitude: -101.293114

Heading: 324 degrees



Date: 09/29/2020 09:34 AM America/Denver

Latitude: 48.202122

Longitude: -101.293172

Heading: 292 degrees



Date: 09/29/2020 09:34 AM America/Denver

Latitude: 48.202134

Longitude: -101.293180

Heading: 112 degrees



Date: 09/29/2020 09:34 AM America/Denver

Latitude: 48.202134

Longitude: -101.293180

Heading: 147 degrees

Hamre, John G.

From: Roness, Dawn <dawn.roness@mdu.com>
Sent: Wednesday, August 11, 2021 3:46 PM
To: Schock, Victor F.
Cc: Olson, Curt
Subject: RE: MDU complaint against Wagner Construction PU-20-423

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *********

Victor,

The original complaint filed did state that in 2020 Wagner's was responsible for nine natural gas hit lines in the Minot area. We only turned in the four from September as they were responsible for them and they all happened in a short amount of time.

The last information I sent was meant to help explain that we had on-going concerns with Wagner Construction and tried to work with them before we submitted the complaint. There will not be an additional complaint filed regarding this matter.

The following four are from the original complaint:

DATE: 9/11/2020
ADDRESS: 31st Ave & 2nd St SW Minot
ORDER: MDUG-20200911-21080
ROOT CAUSE: Clearance with mechanical equipment
PIPE SIZE: 4" Plastic
ELM REPORT: None
LOCATES ACCURATE: Locates marks were visible and marked correctly per MDU tech notes on order
BILLED: Wagner Construction

MDUG-20200911-21080	0330147461	G-HITLN	Virtual Premise	MINOT	09-11-2020 01:00 US/Central	Inst: 31ST AVE & 2ND ST; MDU ON SITE; GAS ESCAPED FROM 4" PLASTIC ; HIT WITH BACK HOE, WAGNER CONSTRUCTION 760-0653, BOTH POLICE AND FIRE ONSITE INVESTIGATION 0111 OPTION 1
						Cmts: found wagners hit 4" line with trackhoe. crane squeezed off with full gas off at 2:20pm

DATE: 9/14/2020
ADDRESS: 100 31st Ave SE, Minot
ORDER: MDUG-20200914-23226
ROOT CAUSE: Failure to maintain clearance with backhoe and maintain locate marks
PIPE SIZE: 4" Steel
ELM REPORT: NA
LOCATES ACCURATE: Facility marks were not visible.
BILLED: Wagner Construction

MDUG-20200914-23226	0331433348	G-HITLN	100 31ST AVE SE	MINOT	09-14-2020 00:00 US/Central	Inst:	DISPATCH 911 CALLED IN HIT LINE AT 31ST AV INCH , STEEL LINE BLOWING. HIT BY CONSTRU EMERGENCY CREWS ON SITE. ETA SHANLAYA EXT 1//SUP VOLK, SCOTT 701-739-7275
						Cmts:	wAGNER CONST Pulled out 4" main while digg inside house and found no gas. the leak is ven monitored leak until line stopper was installed stopped line at 12:43 am 09/15/2020 welded

DATE: 09/26/2020
ADDRESS: 5 31ST Ave SE, Minot
ORDER: MDUG-20200926-20065
ROOT CAUSE: Did not expose pipe. MDU Tech advised to pot hole
PIPE SIZE: ¾" Plastic
ELM REPORT: NA
LOCATES ACCURATE: Per MDU tech – facility marks were visible and located correctly
BILLED: Wagner Construction

MDUG-20200926-20065	0334424186	G-HITLN	5 31ST AVE SE	MINOT	09-26-2020 00:00 US/Central	Inst:	31ST SE AND 2ND SE HIT WHILE DIGGING PLAS BE SITE DIGLINE TICKET AVAILABLE CUSTOMER COVID-19 QUESTIONS - LEVEL 1 ENTRY SUP SH
						Cmts:	wagner hit the svc line to 5 se 31st ave. efv tri line to shut gas completely off. jeff from b & H 31st ave when repairs were made. crew did no called at 11:15 am gas off at 11:45am. metfit l

DATE: 9/29/2020
ADDRESS: 2 31ST Ave SE, Minot
ORDER: MDUG-20200929-20341
ROOT CAUSE: did not pot hole and expose gas line
PIPE SIZE: ¾" Plastic
ELM REPORT: 198277 attached
LOCATES ACCURATE: Yes
BILLED: Wagner Construction

MDUG-20200929-20341	0333909854	G-HITLN	2 31ST AVE SE	MINOT	09-29-2020 00:00 US/Central	Inst:	NO TO COVID-19 QUESTIONS - LEVEL 1 ENTRY AVE SW & S MAIN ST. COME IN FROM SOUTH DEPOT IS. 1INCH PLASTIC LINE HIT WITH DOZE TICKET #20125055. WAGNER IS ONSITE. GAS E CONTACT 911.
						Cmts:	wager hit the svc line with the dozer again. Da the line. called at 8:47am gas off at 9:01 am. s had the svc line bent over and used a flag to k

							home stated that they did not have hot water wonder if they did not hit this last night and th jesse was also giving chief burns attitude.
--	--	--	--	--	--	--	--

Thank you for your time.

*Dawn Roness
Field Operations Supervisor
Minot District
dawn.roness@mdu.com
701 857-9902 office
701 720-0879 mobile*

From: Schock, Victor F. <vschock@nd.gov>
Sent: Friday, August 6, 2021 12:49 PM
To: Roness, Dawn <dawn.roness@mdu.com>
Cc: Olson, Curt <curt.olson@mdu.com>
Subject: RE: MDU complaint against Wagner Construction PU-20-423

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Dawn,

The incident dates on the reports don't match your original complaint. The dates on your complaint are 9/11, 9/14, 9/26 and 9/29. Most of these are prior to those dates?
For this case I can only deal with what was on the initial complaint. If there are other events, then I need new complaint forms for those submitted.

Thanks,

Victor Schock

From: Roness, Dawn <dawn.roness@mdu.com>
Sent: Friday, August 6, 2021 8:45 AM
To: Schock, Victor F. <vschock@nd.gov>
Cc: Olson, Curt <curt.olson@mdu.com>
Subject: RE: MDU complaint against Wagner Construction PU-20-423

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *********

Victor:

Below is a recap of Wagner Construction Hit Lines for the year of 2020.

- Total Orders: 14
- Billed/Responsible:
 - Wagner Construction: 8
 - Apex Engineering: 1 (sub-contractor)

- Industrial Builders: 1 (sub-contractor)
- ELM: 1
- MDU: 1
- No Leak or Damage: 2 (not billable)
- If ELM provided a Damage Report to us, that is attached to this email and the report number is on the order recap below.
- We review each hit line and would not bill the customer without justification. We hope this recap will show that.
- Wagner is correct when they state that some locates were not correct. For those two incidents, we took responsibility for one and billed ELM for the other.
- On the complaint we noted four damages, as they all happened within a couple weeks. But as you can see, we had additional incidents before filing the complaint.
- Safety is top priority with MDU - not only for our crews, but also for the contractors working around our facilities. Wagner Construction does a lot of work for the City of Minot and we want to be partners with them.

DATE: 5/6/2020

ADDRESS: 13TH ST SE & 31ST AVE SE – Minot

ORDER: MDUG-20200506-21263

ROOT CAUSE: Did not spot gas line on edge of road

PIPE SIZE: 2" plastic

ELM REPORT: 191835 Attached

LOCATES ACCURATE: Yes

BILLED: Wagner Construction

MDUG-20200506-21263	0334494132	G-HITLN	Virtual Premise	MINOT	05-06-2020 00:00 US/Central	Inst:	CUSTOMER ANSWERED NO TO ALL COVID-ENTRY - X ST 13ST SE AND 31ST AVE SE / NO MCINTOSH WILL BE THERE, YELLOW 3 INCH ESCAPING, HIT WITH BLADE OF DOZER, LINE 20026140, CA
						Cmts:	wager was grading the road and cut into the had spotted it in the middle of the road but where they ripped it. they were also right on road but did not hit it. took pictures. locate

DATE: 6/16/2020

ADDRESS: 2909 6th St SE Minot

ORDER: MDUG-20200616-21524

ROOT CAUSE: Locate was not accurate

PIPE SIZE: ¾" PL

ELM REPORT: 193495 Attached

LOCATES ACCURATE: NO

BILLED: ELM

MDUG-20200616-21524	8393967636	G-HITLN	2909 6TH ST SE	MINOT	06-16-2020 00:00 US/Central	Inst:	COVID UNKNOWN - LEVEL 2 ENTRY ETA NEED OPTION 1 X ST 28TH AVE SE-KNOWN AS TRAIL BLOWING, 3/4 TO 1 IN INPUT LINE, FIRE AND IN BY 218-244-8435 ANDY TIMER WITH WAGN

PIPE SIZE: NA
 ELM REPORT: NA
 LOCATES ACCURATE: NA
 BILLED: NA

MDUG-20200714-20416	0336192835	G-HITLN	Virtual Premise	MINOT	07-14-2020 00:00 US/Central	Inst:	31ST AVE SW & 10TH ST SW - WAGNER CO KNOW THAT THEY COULD SMELL GAS WHEN IN THIS AREA. NOT BLOWING - WE JUST NE EVERYTHING IS OKAY.
						Cmts:	soaped and cgi'd exposed main, no leaks fo location.

DATE: 07/22/2020
 ADDRESS: 31st Ave SW & 10th St SW Minot
 ORDER: MDUG-20200722-20659
 ROOT CAUSE: Failure to maintain locate marks
 PIPE SIZE: ¾" Plastic
 ELM REPORT: 195152 Attached
 LOCATES ACCURATE: Yes
 BILLED: Wagner Construction

MDUG-20200722-20659	0339530705	G-HITLN	Virtual Premise	MINOT	07-22-2020 00:00 US/Central	Inst:	CUSTOMER ANSWERED NO TO COVID-19 C AVE SW & 10TH ST SW, MINOT - BLOWING TRUCK CRUSHED THE LINE, ADVISED TO CA
						Cmts:	wager construction was using a tiller / recla svc line to 1000 sw 10th st. fd was onsite. v to stop the gas flow. dave came with pot h repair. relit 1000 sw 10th st

DATE: 08/06/2020
 ADDRESS: 2nd St SE & 31st Ave SE – Minot
 ORDER: MDUG-20200809-20109
 ROOT CAUSE: Facility marks were not visible and Failure to maintain marks
 PIPE SIZE: 4" Plastic
 ELM REPORT: 195533 attached
 LOCATES ACCURATE: Yes
 BILLED: Wagner Construction

MDUG-20200809-20109	0336725822	G-HITLN	Virtual Premise	MINOT	08-09-2020 00:00 US/Central	Inst:	INTERSECTION OF 2ND ST SE @ 31ST AVE S TRUCKS ON SITE ETA 701-852-0111 OPT 1 A COMPANY 218-244-8435 ON CALL SUP DUS
						Cmts:	arrived to find duel feed main was severed assisted crew in s. queezing off mains turne

DATE: 9/3/2020
 ADDRESS: 35th Ave SW & 10th St SW Minot

ORDER: MDUG-20200903-21246
ROOT CAUSE: No leak or damage found
PIPE SIZE: NA
ELM REPORT: NA
LOCATES ACCURATE: NA
BILLED: NA

MDUG-20200903-21246	0330826285	G-HITLN	Virtual Premise	MINOT	09-03-2020 00:00 US/Central	Inst:	35TH AVE SW & 10TH ST SW - ANDY FROM HAUGEN AT 9:36. SHE ASKED HIM TO CALL DOES NOT SEE AN ORDER. SMELLING GAS BLOWING. FIRE DEPARTMENT AND POLICE SITE. HIT BY WAGNER CONSTRUC
						Cmts:	performed outside leak procedures, bar tested along 4" main and all the road crossing taps open pit with 4" main exposed and could get something every once and a while, soaped main with no leak(s) found. bar tested into exposed in pit with 0lel found. crew arrived found. found no leak(s)

DATE: 9/4/2020
ADDRESS: 33rd Ave SW & 10th St SW Minot
ORDER: MDUG-20200904-21540
ROOT CAUSE: No locates requested – industrial Builders was using a road tiller
PIPE SIZE: ¾" Plastic
ELM REPORT: 196931
LOCATES ACCURATE: No locates were requested
BILLED: Industrial Builders

MDUG-20200904-21540	0337736451	G-HITLN	Virtual Premise	MINOT	09-04-2020 00:00 US/Central	Inst:	CUSTOMER ANSWERED NO TO ALL COVID-ENTRY, XST 33RD AVE SW / 10TH ST SW JES WAGNER CONS CALLED TO REPORT INDUSTRIAL PLASTIC GAS LINE WITH MILLER WHILE MILLER AT INTERSECTION, GAS BLOWING, LIN
						Cmts:	hitline just off of curb on 10th st sw & 33rd st SW SERVICE LINE AND SQUEEZED OFF TO STOP

DATE: 9/11/2020
ADDRESS: 31st Ave & 2nd St SW Minot
ORDER: MDUG-20200911-21080
ROOT CAUSE: Clearance with mechanical equipment
PIPE SIZE: 4" Plastic
ELM REPORT: None
LOCATES ACCURATE: Locates marks were visible and marked correctly per MDU tech notes on order
BILLED: Wagner Construction

MDUG-20200911-21080	0330147461	G-HITLN	Virtual Premise	MINOT	09-11-2020 01:00 US/Central	Inst:	31ST AVE & 2ND ST; MDU ON SITE; GAS ESCAPED THROUGH PLASTIC ; HIT WITH BACK HOE, WAGNER CONSTRUCTION 760-0653, BOTH POLICE AND FIRE ONSITE FOR 1 HOUR. 0111 OPTION 1
						Cmts:	found wagners hit 4" line with trackhoe. crew was not on the map. squeezed off with full gas off at 2:20pm

DATE: 9/14/2020

ADDRESS: 31st Ave SE & 2nd St SE Minot

ORDER: MDUG-20200914-23226

ROOT CAUSE: Failure to maintain clearance with backhoe and maintain locate marks

PIPE SIZE: 4" Steel

ELM REPORT: NA

LOCATES ACCURATE: Facility marks were not visible.

BILLED: Wagner Construction

MDUG-20200914-23226	0331433348	G-HITLN	100 31ST AVE SE	MINOT	09-14-2020 00:00 US/Central	Inst:	DISPATCH 911 CALLED IN HIT LINE AT 31ST AVE AND S MAIN STREET. 2 INCH , STEEL LINE BLOWING. HIT BY CONSTRUCTION. EMERGENCY CREWS ON SITE. ETA SHANLAYA/SCOTT 701-739-7275 EXT 1//SUP VOLK, SCOTT 701-739-7275
						Cmts:	wAGNER CONST Pulled out 4" main while digging for gas inside house and found no gas. the leak is venting. leak was monitored until line stopper was installed. line was stopped at 12:43 am 09/15/2020 welded

DATE: 09/23/2020

ADDRESS: 31st Ave & Main Street Minot

ORDER: MDUG-20200923-21404

ROOT CAUSE: Steel stub not on map – MDU at fault

PIPE SIZE: 2" Steel

ELM REPORT: 198183 attached

LOCATES ACCURATE: ELM did not know about the stub, so yes – their locate was accurate.

BILLED: MDU's responsibility

MDUG-20200923-21404	0333845594	G-HITLN	Virtual Premise	MINOT	09-23-2020 00:00 US/Central	Inst:	NO TO ALL COVID-19 QUESTIONS - LEVEL 1. 31ST AVE AND S MAIN STREET HIT 2 IN GAS LINE. WAGNER CONSTRUCTION, GAS BLOWING, TICKET# 20125056 THEY ARE ON SITE AND
						Cmts:	two inch main hit by wagner construction. stub was not on the map. followed it back and

DATE: 09/26/2020

ADDRESS: 31st Ave SE & 2nd St SE Minot

ORDER: MDUG-20200926-20065

ROOT CAUSE: Did not expose pipe. MDU Tech advised to pot hole

PIPE SIZE: 3/4" Plastic

ELM REPORT: NA

LOCATES ACCURATE: Per MDU tech – facility marks were visible and located correctly

BILLED: Wagner Construction

MDUG-20200926-20065	0334424186	G-HITLN	5 31ST AVE SE	MINOT	09-26-2020 00:00 US/Central	Inst:	31ST SE AND 2ND SE HIT WHILE DIGGING PLAS BE SITE DIGLINE TICKET AVAILABLE CUSTOMER COVID-19 QUESTIONS - LEVEL 1 ENTRY SUP SH
						Cmts:	wagner hit the svc line to 5 se 31st ave. efv tri line to shut gas completely off. jeff from b & H 31st ave when repairs were made. crew did no called at 11:15 am gas off at 11:45am. metfit

DATE: 9/29/2020

ADDRESS: 31ST Ave SW & Main St Minot

ORDER: MDUG-20200929-20341

ROOT CAUSE: did not pot hole and expose gas line

PIPE SIZE: ¾" Plastic

ELM REPORT: 198277 attached

LOCATES ACCURATE: Yes

BILLED: Wagner Construction

MDUG-20200929-20341	0333909854	G-HITLN	2 31ST AVE SE	MINOT	09-29-2020 00:00 US/Central	Inst:	NO TO COVID-19 QUESTIONS - LEVEL 1 ENTRY AVE SW & S MAIN ST. COME IN FROM SOUTH DEPOT IS. 1INCH PLASTIC LINE HIT WITH DOZE TICKET #20125055. WAGNER IS ONSITE. GAS E CONTACT 911.
						Cmts:	wager hit the svc line with the dozer again. Da the line. called at 8:47am gas off at 9:01 am. s had the svc line bent over and used a flag to k home stated that they did not have hot water wonder if they did not hit this last night and th jesse was also giving chief burns attitude.

Please let me know if you need anything else.

Dawn Roness

Field Operations Supervisor

Minot District

dawn.roness@mdu.com

701 857-9902 office

701 720-0879 mobile

Dawn Roness
Field Operations Supervisor
Minot District
dawn.roness@mdu.com
701 857-9902 office
701 720-0879 mobile

From: Schock, Victor F. <vschock@nd.gov>
Sent: Thursday, August 5, 2021 10:18 AM
To: Roness, Dawn <dawn.roness@mdu.com>
Cc: Olson, Curt <curt.olson@mdu.com>
Subject: RE: MDU complaint against Wagner Construction PU-20-423

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Dawn,

Please provide a response by August 11th, or I will have to recommend we close this case for lack of sufficient evidence.

Thanks,

Victor Schock

From: Schock, Victor F.
Sent: Tuesday, July 20, 2021 10:43 AM
To: Roness, Dawn <dawn.roness@mdu.com>
Cc: Olson, Curt <curt.olson@mdu.com>
Subject: RE: MDU complaint against Wagner Construction PU-20-423

Dawn,

Thank you for providing the location and size information.

I still need more of a response on some of Wagner's other claims.

For 100 31st Ave SE, their claim that the mail line that was struck was not marked as it was an abandoned line they were removing is of particular concern.

Some of his other responses seem to claim and pictures indicate that locates or respots were not completed in all areas. I need specific responses from you on those claims in order to have sufficient evidence to prove each violation.

Thanks,

Victor Schock

From: Roness, Dawn <dawn.roness@mdu.com>
Sent: Friday, July 9, 2021 1:06 PM
To: Schock, Victor F. <vschock@nd.gov>
Cc: Olson, Curt <curt.olson@mdu.com>
Subject: RE: MDU complaint against Wagner Construction PU-20-423

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Victor,

Below we have the updated missing costs for the two damages (in red).

Please let me know if you need anything else.

Dawn Roness
Field Operations Supervisor
Minot District
dawn.roness@mdu.com
701 857-9902 office
701 720-0879 mobile

From: Roness, Dawn
Sent: Friday, July 2, 2021 3:50 PM
To: Schock, Victor F. <vschock@nd.gov>
Cc: Olson, Curt <curt.olson@mdu.com>
Subject: RE: MDU complaint against Wagner Construction PU-20-423

Victor:

Date:	Address:	Order:	Size of Pipe:	Cost:
9/26/2020	5 31 st Ave SE	MDUG-20200926-20065	¾" Service	\$772.50
9/29/2020	2 31 st Ave SE	MDUG-20200929-20341	¾" Service	\$647.81
9/14/2020	100 31 st Ave SE	MDUG-20200914-23226	4" St Main	\$10,684.86
9/11/2020	31 st Ave SE & 2 nd St	MDUG-20200911-21080	4" Plastic	\$525.00

The cause of all four is the use of equipment too with in the 2' dig area around the pipe and also not maintaining the locates. They should have either exposed MDU's pipe or used hand digging to find and know where the pipe is. This is a ND 811 Locate law.

Where Wagner says locates were not performed or mismarked, that could be the case in the additional five hit lines they were involved in. In these other five cases, either MDU or ELM would have been responsible for the bill. ELM is our third party locator.

I need to get a copy of two bills, but wanted to send you what I have as of right now. I'll update the two costs next week.

Thank you,

Dawn Roness
Field Operations Supervisor
Minot District
dawn.roness@mdu.com
701 857-9902 office
701 720-0879 mobile

From: Schock, Victor F. <vschock@nd.gov>
Sent: Thursday, June 17, 2021 2:26 PM
To: Roness, Dawn <dawn.roness@mdu.com>
Cc: Olson, Curt <curt.olson@mdu.com>
Subject: RE: MDU complaint against Wagner Construction PU-20-423

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Hi Dawn,

I actually do need more on this one. Your complaint alleges 4 violations, but I need more for each in order to proceed. I need size and type of each facility hit, location and cost of the damages. Additionally, in their response, Wagner is claiming that MDU did not mark many of the facilities that they hit. I am also wondering about the failure to maintain markings check box. Your description of the events don't mention that, so I need more detail/evidence to prove a violation.

Thanks,

Victor Schock

From: Roness, Dawn <dawn.roness@mdu.com>
Sent: Friday, June 11, 2021 5:01 PM
To: Schock, Victor F. <vschock@nd.gov>
Cc: Olson, Curt <curt.olson@mdu.com>
Subject: RE: MDU complaint against Wagner Construction PU-20-423

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *********

Good afternoon Victor,

After reviewing Wagner's response, we feel that the complaint filed is a fair complaint. We addressed four of the numerous damages where we felt safety was not at the top priority for their employees and ours as well. That is what we are asking, for their actions to match what they tell us when we visit with them. Safety is top priority for all involved.

Please let me know if you need anything else.

Dawn Roness
Field Operations Supervisor
Minot District
dawn.roness@mdu.com
701 857-9902 office
701 720-0879 mobile

From: Schock, Victor F. <vschock@nd.gov>
Sent: Friday, June 4, 2021 3:06 PM

To: Roness, Dawn <dawn.roness@mdu.com>

Subject: MDU complaint against Wagner Construction PU-20-423

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Hi Dawn,

I was just reviewing a response I received from Wagner on this case.

I thought you should have a chance to review it and provide any additional response.

Please see attached response, and let me know if you have anything in response to this by June 11, 2021.

Thanks,

Victor Schock

Public Utility Analyst

North Dakota Public Service Commission

600 E Boulevard Ave, Dept 408

Bismarck, ND 58505-0480

(701)328-3397

vschock@nd.gov

This transmission, email and any files transmitted with it, may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential under federal or state law. If you are not the intended recipient of this message, you may not use, disclose, print, copy or disseminate this information. If you have received this transmission in error, notify the sender (only) and delete the message. This message may also be subject to disclosure under the North Dakota Open Records Laws.

Hamre, John G.

From: Roness, Dawn <dawn.roness@mdu.com>
Sent: Friday, July 9, 2021 1:06 PM
To: Schock, Victor F.
Cc: Olson, Curt
Subject: RE: MDU complaint against Wagner Construction PU-20-423

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Victor,

Below we have the updated missing costs for the two damages (in red).

Please let me know if you need anything else.

*Dawn Roness
Field Operations Supervisor
Minot District
dawn.roness@mdu.com
701 857-9902 office
701 720-0879 mobile*

From: Roness, Dawn
Sent: Friday, July 2, 2021 3:50 PM
To: Schock, Victor F. <vschock@nd.gov>
Cc: Olson, Curt <curt.olson@mdu.com>
Subject: RE: MDU complaint against Wagner Construction PU-20-423

Victor:

Date:	Address:	Order:	Size of Pipe:	Cost:
9/26/2020	5 31 st Ave SE	MDUG-20200926-20065	¾" Service	\$772.50
9/29/2020	2 31 st Ave SE	MDUG-20200929-20341	¾" Service	\$647.81
9/14/2020	100 31 st Ave SE	MDUG-20200914-23226	4" St Main	\$10,684.86
9/11/2020	31 st Ave SE & 2 nd St	MDUG-20200911-21080	4" Plastic	\$525.00

The cause of all four is the use of equipment too with in the 2' dig area around the pipe and also not maintaining the locates. They should have either exposed MDU's pipe or used hand digging to find and know where the pipe is. This is a ND 811 Locate law.

Where Wagner says locates were not performed or mismarked, that could be the case in the additional five hit lines they were involved in. In these other five cases, either MDU or ELM would have been responsible for the bill. ELM is our third party locator.

I need to get a copy of two bills, but wanted to send you what I have as of right now. I'll update the two costs next week.

Thank you,

Dawn Roness
Field Operations Supervisor
Minot District
dawn.roness@mdu.com
701 857-9902 office
701 720-0879 mobile

From: Schock, Victor F. <vschock@nd.gov>
Sent: Thursday, June 17, 2021 2:26 PM
To: Roness, Dawn <dawn.roness@mdu.com>
Cc: Olson, Curt <curt.olson@mdu.com>
Subject: RE: MDU complaint against Wagner Construction PU-20-423

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Hi Dawn,

I actually do need more on this one. Your complaint alleges 4 violations, but I need more for each in order to proceed. I need size and type of each facility hit, location and cost of the damages. Additionally, in their response, Wagner is claiming that MDU did not mark many of the facilities that they hit. I am also wondering about the failure to maintain markings check box. Your description of the events don't mention that, so I need more detail/evidence to prove a violation.

Thanks,

Victor Schock

From: Roness, Dawn <dawn.roness@mdu.com>
Sent: Friday, June 11, 2021 5:01 PM
To: Schock, Victor F. <vschock@nd.gov>
Cc: Olson, Curt <curt.olson@mdu.com>
Subject: RE: MDU complaint against Wagner Construction PU-20-423

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *********

Good afternoon Victor,

After reviewing Wagner's response, we feel that the complaint filed is a fair complaint. We addressed four of the numerous damages where we felt safety was not at the top priority for their employees and ours as well. That is what we are asking, for their actions to match what they tell us when we visit with them. Safety is top priority for all involved.

Please let me know if you need anything else.

Dawn Roness
Field Operations Supervisor
Minot District
dawn.roness@mdu.com
701 857-9902 office
701 720-0879 mobile

From: Schock, Victor F. <vschock@nd.gov>
Sent: Friday, June 4, 2021 3:06 PM
To: Roness, Dawn <dawn.roness@mdu.com>
Subject: MDU complaint against Wagner Construction PU-20-423

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Hi Dawn,

I was just reviewing a response I received from Wagner on this case.
I thought you should have a chance to review it and provide any additional response.
Please see attached response, and let me know if you have anything in response to this by June 11, 2021.

Thanks,

Victor Schock
Public Utility Analyst
North Dakota Public Service Commission
600 E Boulevard Ave, Dept 408
Bismarck, ND 58505-0480
(701)328-3397
vschock@nd.gov

This transmission, email and any files transmitted with it, may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential under federal or state law. If you are not the intended recipient of this message, you may not use, disclose, print, copy or disseminate this information. If you have received this transmission in error, notify the sender (only) and delete the message. This message may also be subject to disclosure under the North Dakota Open Records Laws.

Hamre, John G.

From: Roness, Dawn <dawn.roness@mdu.com>
Sent: Wednesday, October 13, 2021 2:00 PM
To: Schock, Victor F.
Cc: Olson, Curt
Subject: RE: MDU complaint against Wagner PU-20-423

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Victor,

Please see the comments below in [blue](#). As we discussed this morning on the phone, I reviewed Wagner's responses with our two construction leads: David Albertson and Tom Topolski; Jeff Haugen from B&H; Samantha Haugen-MDU Field Coordinator; Shane Branson-MDU Construction Supervisor.

Please let me know if you have any further questions.

*Dawn Roness
Field Operations Supervisor
Minot District
dawn.roness@mdu.com
701 857-9902 office
701 720-0879 mobile*

From: Schock, Victor F. <vschock@nd.gov>
Sent: Wednesday, October 13, 2021 9:08 AM
To: Roness, Dawn <dawn.roness@mdu.com>
Cc: Olson, Curt <curt.olson@mdu.com>
Subject: FW: MDU complaint against Wagner PU-20-423
Importance: High

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Dawn,

See responses below and attached from Wagner.

Thanks,

Victor Schock

From: Trevor Plasky <t.plasky@wagnerconstructioninc.com>
Sent: Tuesday, October 12, 2021 4:26 PM
To: Schock, Victor F. <vschock@nd.gov>
Cc: Kalan Wagner <k.wagner@wagnerconstructioninc.com>; Jess Kindred <jess@wagnerconstructioninc.com>

Subject: RE: MDU complaint against Wagner PU-20-423

Importance: High

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *********

Victor,

Please see responses in red below.

Thank you,

Trevor Plasky | Project Manager | Safety Compliance Officer
Mobile: 218.341.6689 | Direct: 218.283.1875 | Fax: 218.283.1043



Wagner Construction, Inc.
3151 Highway 53, International Falls, MN 56649
Main: 218.283.3700 | www.wagnerconstructioninc.com

THIS MESSAGE IS INTENDED FOR THE USE OF THE PERSON TO WHOM IT IS ADDRESSED. IT MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If you are not the intended recipient, your use of this message for any purpose is strictly prohibited. If you have received this communication in error, please delete the message and notify the sender, so that we may correct our records. Thank you for your cooperation.

From: Schock, Victor F. <vschock@nd.gov>

Sent: Tuesday, September 28, 2021 2:17 PM

To: Trevor Plasky <t.plasky@wagnerconstructioninc.com>; Kalan Wagner <k.wagner@wagnerconstructioninc.com>; Roness, Dawn <dawn.roness@mdu.com>; Olson, Curt <curt.olson@mdu.com>

Subject: MDU complaint against Wagner PU-20-423

Caution: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Summary of conference call on 9/28/2021.

9/11/2020 – 31st Ave & 2nd St SW – Minot, ND 4" plastic nat gas line
Trevor with Wanger to review incident and advise their response.

After further discussions it appears as if this hit was accidental. We had exposed and were protecting the gas line throughout the whole trench we were digging during our pipe installation. Further discussions with the operator, he explained that the bank gave way due to a sand seam and while trying to support the bank with the excavator the line got crushed.



10/13/2021 MDU Response

- Both Samantha and Jeff stated the dirt did not fall on the pipe. If it had, it would have dented or crushed the pipe. The pipe was totally ripped in two pieces.
- A good point made by Jeff is: “if Wagner’s was dealing with the bank giving way, why did they not have a trench box instead of using a bucket to support the bank?”
- After the line was ripped open, there was dirt on the pipe. This is the first time I have heard this statement from Jeff and David: “Wagner dumps dirt on the damage as they feel it slows the release of gas down”.
- None the less, this picture shows they use mechanical equipment within the 2’ of facilities.



9/14/2020 – 100 31st Ave SE – Minot, ND 4” steel nat gas line

Trevor with Wagner to advise who at MDU told them that they were clear to remove the allegedly abandoned 4” nat gas line from 2nd St to 1st St.

Contact: [Samantha Haugen](#)

As discussed in our meeting, this line had been scheduled to be relocated from the south side of the roadway. Per Apex Engineering’s utility coordination tables, see attached PDF, the line had been scheduled to be moved/lowered, due to being in conflict with the proposed new storm sewer to be installed. At the point this line was hit, the new relocated main had been installed and cut over and was live. At which point we were informed the new line was active and the old line could be removed. After being given the clear, Wagner had removed some 350’ of the abandoned gas main for the installation of the new storm sewer lines. It wasn’t until we got to the intersection of 1st and 31st, where the line started to leak gas, that anyone at MDU or Wagner were aware there was an active gas line still connected to the abandoned main. At no point throughout construction or during the multiple utility coordination meetings held, was it identified that this line was still active and attached to the abandoned main.

We would also like to reiterate what Dawn stated in the call that the struck line was installed somewhere between 1965-1969 and that no one really knew where these lines were. So if MDU didn't know where the line was, it seems unreasonable to assume that their locator ELM or Wagner would have known this pipe was there and still active. Also as stated before, Wagner would never have removed a gas main that we had not been advised was clear to be removed.

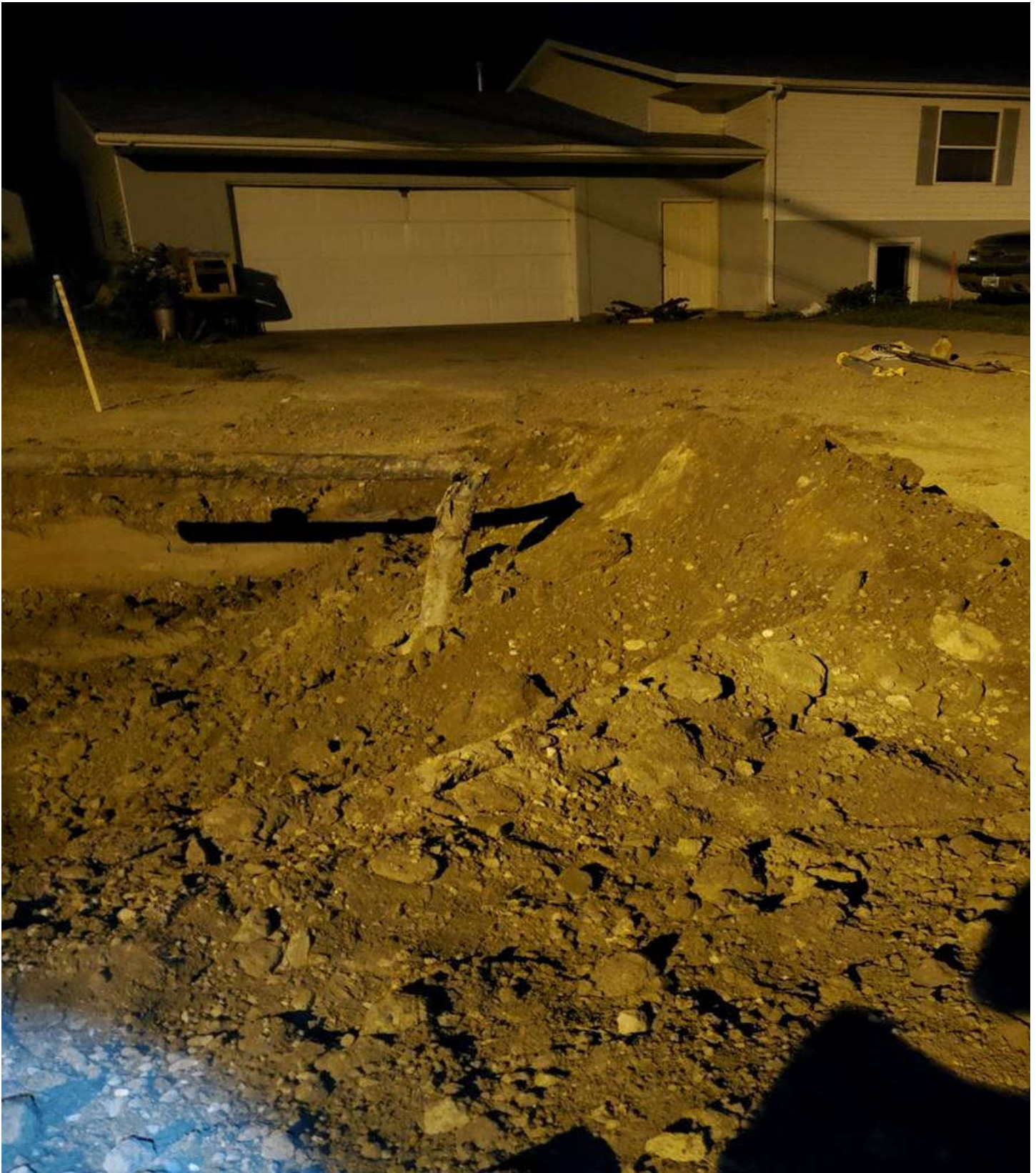
10/13/21 MDU Response

- Samantha Haugen's response regarding MDU giving permission to remove retired facilities.
 - This is my recollection of events, we completed the 4" steel bore across 31st Ave into the utility easement between 1st St SE and 2nd St SE. We tied onto the 4" steel line going south and we capped the 4" line going west because it was still feeding from Broadway. Everything then going east of the connection point was then considered dead into the east end of 2nd St SE (we still had 4" plastic running north and south in the east end of the intersection). The 4" steel line going west was not going to be dead until the two bores from utility easement to the east side of Broadway and the east side of Broadway to the west side of Broadway were complete. I told Jesse that the intersection of 2nd St was dead and he was able to complete their work at that section. I also told him that the remaining two bores needed to be complete in order for the remainder of the 4" steel on the south side of 31st Ave needed to be completed before it would be dead.

Sam Haugen

Field Operations Coordinator

- Samantha Haugen was on this job site pretty much every day. She stated that lines were accurately located and complimented ELM on doing a good job for us.
- B & H also stated that Wagner knew that we had not finished installing the replacement main because the pipe was on top of the ground in the staging area and that Wagner had equipment in MDU's way.
- Again, Tom Topolski, Crew Lead stated that when Wagner left the work location the day this was damaged, their worker was laughing and saying it will be out of our way tomorrow.
- Below is the picture from Tom regarding how the damaged pipe was pulled out of the ground.
- Wagner has a very interesting way of taking what someone says and turning it around to fit their narrative. When I spoke about pipe being installed in the 1965-1969 – it isn't that we don't know where our pipe is. The simple fact is that I wasn't part of that installation. MDU gets locates and we spot the lines – just like what we would expect Wagner to do.



9/26/2020 – 5 31st Ave SE – Minot, ND ¾" plastic nat gas line
Jess Kindred struck the line.
MDU and Wagner to provide a write up with pictures of their version of the incident.

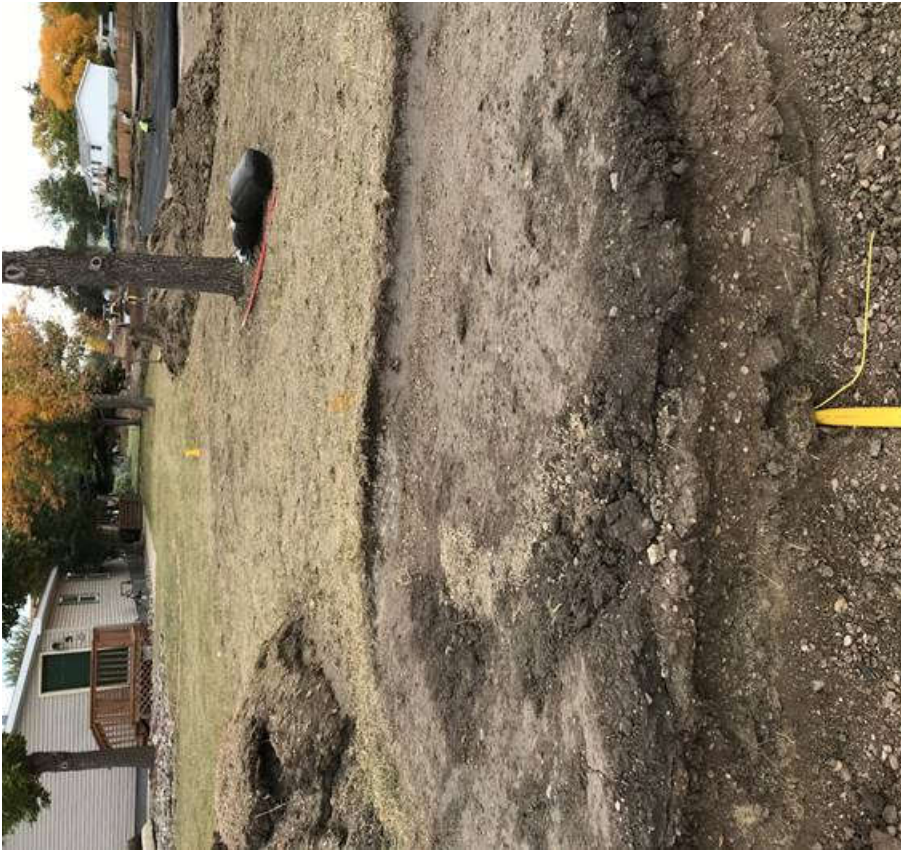
Our version of this incident is the same as what had been submitted to the commission back on Oct 28, 2020. The only mark that was present prior to hitting the line was the paint mark that can be seen in the picture below, which was well over 100' from where the line was hit. We had been told that all services in this area would be lowered but this one had not been.

I have also attached two plan sheets for the Sept 26 & 29 hits which show that the service line location for this address isn't even shown to be located where it was hit. Which begs the question, how could we as the contractor protect MDU's line when the marks for this area did not match what was shown to exist on the plans provided to us for the project. Therefore the line was not properly marked per the ND One Call Rules.



10/13/21 MDU Response

- B & H stated that the service was hit by the main. This picture shows the locate in the yard, not close to where the damage was at. Jeff also noted that the majority of the locates where the damage was done were destroyed by Wagner doing grating work.
- Wagner did not expose the pipe where the line was crossed.
- The picture below is from Chadd Gillmore, MDU first responder. You can see the pipe and the locates.



9/29/2020 – 2 31st AVE SE – Minot, ND ¾” plastic nat gas line
Line was potholed very close to location of hit. Depth changed significantly from pothole to hit location.
MDU and Wagner to provide a write up.

Our version of this incident is the same as what had been submitted to the commission back on Oct 28, 2020. The only mark that was present prior to hitting the line was the paint mark/flag next to the fence line, yet there were no marks designating where this line connected into the main. The line had been potholed within 2-3 feet and was struck due to an excessive grade change and not having sufficient cover over the line. As stated in our conference call, the minimum required cover for a gas service line is 10”, and this service was nowhere near that depth when it was struck.

Again we had been told that all services in this area had been lowered but this one had not been.

10/13/21 MDU Response

- This again is a case where they potholed, but did not expose the facilities of where they crossed.
- Wagner also states that the gas service line is 10” – the picture below will prove otherwise.



Responses and additional information for these incidents is due October 12, 2021 at 5pm CT.

Thanks,

Victor Schock

Public Utility Analyst

North Dakota Public Service Commission

600 E Boulevard Ave, Dept 408

Bismarck, ND 58505-0480

(701)328-3397

vschock@nd.gov

This transmission, email and any files transmitted with it, may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential under federal or state law. If you are not the intended recipient of this message, you may not use, disclose, print, copy or disseminate this information. If you have received this transmission in error, notify the sender (only) and delete the message. This message may also be subject to disclosure under the North Dakota Open Records Laws.