



Public Service Commission

State of North Dakota

COMMISSIONERS

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Julie Fedorchak
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600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
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Fax: 701-328-2410
TDD: 800-366-6888 or 711

October 19, 2020

Alex Johnson
Enyweh Services, LLC
PO BOX 11104
Williston, ND 58803-0035

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

Dear Alex:

Enclosed is a copy of a ND One-Call Complaint, against Enyweh Services, LLC, received by the North Dakota Public Service Commission on October 15, 2020, from Laura Kraft at Montana Dakota Utilities, of Watford City, ND, Case Number PU-20-427. The location of the damage identified in the complaint is approximately 1912 Granite Rd, Watford City, 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 November 2, 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 Enyweh Services, 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: Laura Kraft

2 **PU-20-427** Filed: 10/19/2020 Pages: 10
Letter enclosing North Dakota One-Call Complaint

Public Service Commission Staff

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 MONTANA-DAKOTA UTILITIES/LAURA KRAFT	Street Address 107 10TH ST SW	City WATFORD CITY	State and Zip Code ND, 58854
Telephone and Cell Phone Number 206-755-4310	Email Address LAURA.KRAFT@MDU.COM		Date 10/15/2020
<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 ENYWHEY SERVICES, LLC	Street Address 5722 22ND AVE W	City WILLISTON	State and Zip Code ND 58801
Telephone and Cell Phone Number ALEX JOHNSON 701-570-6573 OR DANA HANSEN 701-570-8271		Email Address alex@enywehyservices.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 checked="" 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 checked="" 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: 1912 GRANITE RD, WATFORD CITY, ND 58854
Date and Time of Violation: 09/29/2020 AT 11:00 AM CT
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> EXCAVATOR LOCATE TICKET INVALID/EXPIRED OVER TEN DAYS – ORIGINAL TK #20118500 - HIT MDU 2" GAS MAIN

PART D – DAMAGE

Fatalities N/A	Injuries N/A	In-patient Hospitalization N/A
Underground facility type(s) and Operator(s) affected: 2" PLASTIC GAS MAIN		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$1000	Number of Customers Affected 2	
Other impact of event: CAUSED AN UNNECESSARY INTERRUPTION TO TWO GAS CUSTOMERS AND STRAINED RESOURCES ALLOCATED TO OTHER PROJECTS		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 10/15/2020
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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



INCIDENT INVESTIGATION #198279



1912 Granite Rd , Watford City, ND

LOCATION DETAILS

Event Date: 09/29/2020 10:07 AM America/Denver

Right-of-Way:

AFFECTED FACILITY

Near Miss: No

Type of Operation Affected: Gas

Line Size and Type: 2" Plastic

Facility part of joint trench: No

Asphalt or concrete removed: No

Damage Surface Type and Depth: Dirt > 36"

Arrival Date and Time: 09/29/2020 04:29 AM America/Denver



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:

Contractor Representative Phone Number:

Personnel On Site: 1 supervisor, 2 tech

Vehicles/Equipment Being Used For Repairs: 3 trucks, backhoe

Guards or Barricades On Site: Trucks

Facilities Replaced or Repaired: Repaired

Replacement Type: Permanant

Occurred During: Business Hours

Time Occurred: 10:30 AM America/Denver

DAMAGER

Company Name: Enywhey Services LLC

Contact: Alex Johnson

Contact Phone: (701) 570-6573

Type of Work: New Home

Damage Responder: Lindy, Schwab

UTILITY INFORMATION

Utility Company Name: Montana Dakota Utilities

Utility Contact Name: Laura

Utility Contact Phone:

Utility Representative: Laura

Utility Rep Tech#:

Utility Rep. Present on Arrival: Yes

EXCAVATION INFORMATION

Excavator Type: Contractor

Excavation Equipment: Backhoe/Trackhoe

Work Performed: Bldg. Construction

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: 20118400

Date Located: 08/25/2020 01:31 PM America/Denver

Located By: Michael

INTERRUPTION AND RESTORATION

Event cause Interruption: Yes

Interruption hours:

Customers Affected (approx.): 2

ROOT CAUSE

Damage within described dig area: Yes

Damage within legal time of request limit: No

Marks destroyed by construction: Yes

Marks destroyed by weather: Yes

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

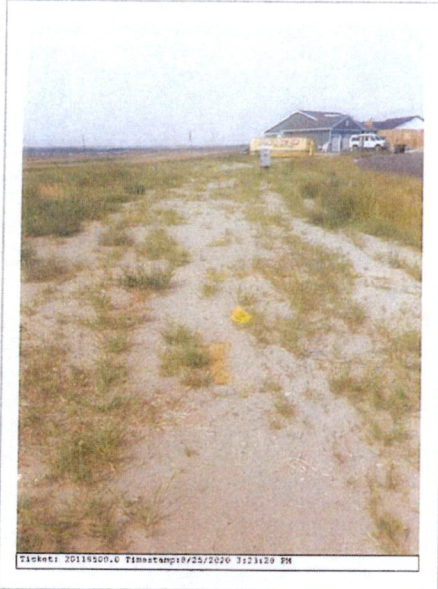
Damage Exposed Facility: No

COMMENTS

Assessment Comments: Ticket expired 9/18/20. Pictures from last locate were spot on. 2" plastic main was hit in front of home being built.

INCIDENT AND SURVEY COMPARISON PHOTOS

SURVEY PHOTO



Date: 08/25/2020 03:23 PM America/Denver

Latitude: 47.816111

Longitude: -103.250833

Heading: 335 degrees

INCIDENT COMPARISON PHOTO



Date: 09/29/2020 01:08 PM America/Denver

Latitude: 47.816551

Longitude: -103.250945

Heading: 306 degrees

SURVEY PHOTO



Date: 08/25/2020 03:23 PM America/Denver

Latitude: 47.816111

Longitude: -103.250833

Heading: 327 degrees

INCIDENT COMPARISON PHOTO



Date: 09/29/2020 01:08 PM America/Denver

Latitude: 47.816312

Longitude: -103.250964

Heading: 310 degrees

NEW INCIDENT PHOTOS



Date: 09/29/2020 01:08 PM
America/Denver

Latitude: 47.816269

Longitude: -103.250946

Heading: 140 degrees



Date: 09/29/2020 01:08 PM
America/Denver

Latitude: 47.816421

Longitude: -103.250471

Heading: 221 degrees



Date: 09/29/2020 01:15 PM America/Denver

Latitude: 47.816369

Longitude: -103.250922

Heading: 174 degrees