



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

November 20, 2020

Ian Pennington
Pennington Fencing
16302 Bennie Peer Rd
Sidney, MT 59270-9002

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

Dear Ian:

Enclosed is a copy of a ND One-Call Complaint, against Pennington Fencing, received by the North Dakota Public Service Commission on November 19, 2020, from Shawn Kadrmias at Belle Fourche Pipeline Company, of Belfield, ND, Case Number PU-20-449. The location of the incident identified in the complaint is approximately lat 47.363334, lon -103.874468 section 22, township 145N, Range 104W, near Trotters, 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 December 4, 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 Pennington Fencing 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: Shawn Kadrmias

2 **PU-20-449** Filed: 11/20/2020 Pages: 5
Letter enclosing North Dakota One-Call Complaint



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 Belle Fourche Pipeline Company	Street Address 301 E HWY 10	City Beifield	State and Zip Code ND 58622
Telephone and Cell Phone Number (701) 575-2205 Cell (701) 260-3465	Email Address shawn.kadmas@truecos.com		Date 11/13/2020
<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 Pennington Fence/ Ian Pennington	Street Address 16302 Bennie Pierre RD	City Sidney	State and Zip Code MT 59270
Telephone and Cell Phone Number (406) 489-0611	Email Address penningtonranch@hotmail.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: 145N 104W Sec22 47.363334 103.874468
Date and Time of Violation: 11/11/2020 12:00pm
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> Please see attached One Call violation description.

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 	Date 11/19/2020
--	--------------------

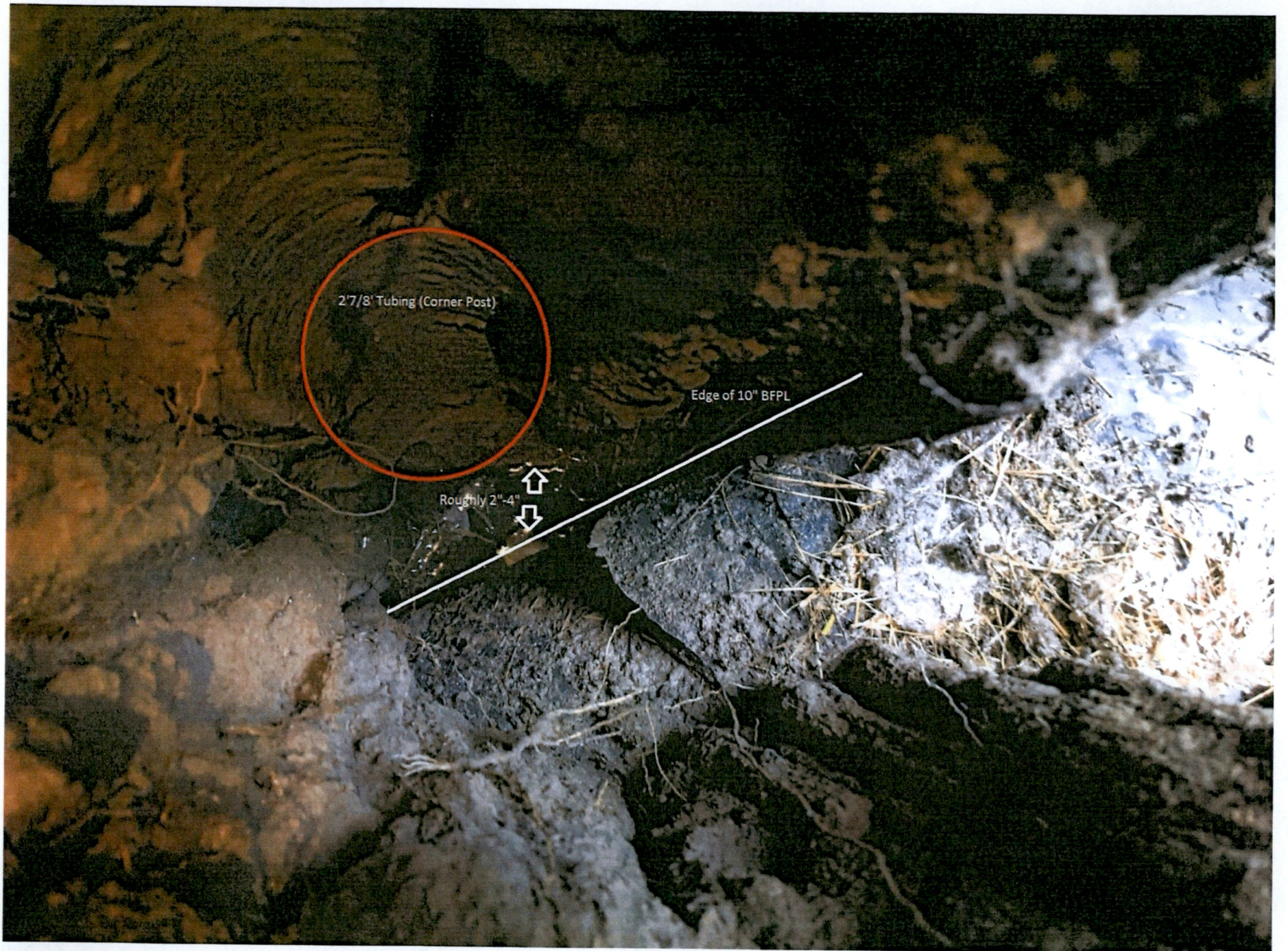
Submit

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

ND One-Call Complaint Description

On November 11th one of our employees was responding to a One Call ticket on our Bicentennial 10" crude oil line. While out on this locate he noticed a new fence had been installed recently in the area. He took a closer look at the fence and where it was installed and found that fence had crossed our 10" crude oil line and a gate post had been placed about 1' from our 10" crude oil line (see picture 1). No one call was placed for this area the fence had been installed. Our field folks did a little investigating and got in contact with the fencing contractor that built the fence and explained to them the importance of placing a one call and also told them that we will have to verify with a hydro vac that there wasn't any damage to our pipe. Hydro vac took place on 11/12/2020 to which we verified the gate post to be about 2" to 4" from our pipe and about 1' deeper in the ground than our pipe.



2 7/8" Tubing (Corner Post)

Edge of 10" BFPL

Roughly 2"-4"

