



Public Service Commission

State of North Dakota

COMMISSIONERS

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600 East Boulevard, Dept. 408
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February 4, 2021

Austin Broden
3872 Cty Hwy 7
Gary, MN 56545

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

Dear Austin:

Enclosed is a copy of a ND One-Call Complaint, against Austin Broden, received by the North Dakota Public Service Commission on January 28, 2021, from Tina Beach and CHS, Inc., of Laurel, MT, Case Number PU-21-56. The location of the incident identified in the complaint is approximately latitude 47.0006021, Longitude 97.183764 near Fargo, 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 February 18, 2021**, 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 Austin Broden 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: Tina Beach

2 PU-21-56 Filed: 2/4/2021 Pages: 5
Letter enclosing North Dakota One-Call Complaint

Public Service Commission
Victor Schock

Hamre, John G.

From: Beach, Tina <Tina.Beach@chsinc.com>
Sent: Thursday, January 28, 2021 3:50 PM
To: -Info-Public Service Commission
Subject: Form Returned: ND-one-call-complaint-form-fillable.pdf
Attachments: ND-one-call-complaint-form-fillable.pdf; Linelocated2.JPG; Fieldlinelocated.JPG

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

Dear PSC;

I needed to attach additional pictures of damage but it will not allow me too, it may be my issue regarding size of files. So I will be sending a separate email with additional damage pictures. I want to make it clear, Austin Broden has been very responsive, he agreed to work with us to educate other farmers. In addition we did put additional pipeline markers in the area as he indicated he did not see them til he was approached. So at this time, I would ask the PSC to take into consideration his willingness to work with us and to educate others. He does know how to use 811 and has used it in the past. This was one of those situations, he finished in another field and thought he could get this field done before the end of the day. I will share the article with you when we get it done if you like. It will be going out to all of our CHS membership. Thanks

Tina R. Beach
Public Awareness Specialist

tina.beach@chsinc.com
Direct: 406-628-5443
Mobile: 206-445-4121

803 Highway 212 S, Laurel, MT 59044
Visit us at chsinc.com

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global connections

Please be advised this entire email (including all attachments, forwards, and replies) is for the sole use of the intended recipient(s) and may contain proprietary, confidential and/or privileged material. If you are not the intended recipient(s) of this e-mail, you are hereby notified any use, review, retransmission, dissemination, disclosure, distribution, copying, or any other action taken with respect to this communication is strictly prohibited, and may be a violation of law. If you have received this communication in error, please delete the e-mail and all attachments from all computer devices, destroy all paper copies, and notify the sender by reply email. Thank you.

Form Returned: ND-one-call-complaint-form-fillable.pdf

The attached file is the filled-out form. Please open it to review the data.



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 Tina BEach	Street Address 803 Hwy 212 S	City Laurel	State and Zip Code MT59044
Telephone and Cell Phone Number 206-445-4121	Email Address tina.beach@chsinc.com		Date 01/28/2021
<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 Austin Broden	Street Address 3872 Cty Hwy 7	City Gary	State and Zip Code MN 56545
Telephone and Cell Phone Number 701-212-2634	Email Address N/A		

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: Cass County, Near Fargo, ND. Pipeline Marker 233, Lat 47.0006021; Long 97.183764
Date and Time of Violation: 12/09/20 the Air Patrol Pilot observed around 2:00pm
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> During our scheduled air patrol, pilot noticed a farmer installing drain tile over the pipeline. The control was notified and pipeline was shut down until further assessments could be made. Area Line Locator-NW was dispatched and arrived in the area to affirm that our pipeline had been crossed a couple of times with drain installation. NW confirmed that no locate request had been made by the farmer. Farmer-AB was leasing ground and did know what 811 was and had made a call on a similar project about a mile or two away. AB indicated that this field was off the beaten path he didn't see anything that would indicate to him there were any underground utilities crossing the field until he got stopped and noticed the pipeline marker near the creek. AB was quick to take responsibility for having failed to call, he actually helped us do education to the CHS membership by interviewing with us to put an article in our C Magazine. He did cross our pipeline in two location luckily it did not cause a leak. See attached photos.

PART D – DAMAGE

Fatalities 0	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: Refined fuels line with MOP of 1440, 8" Cenex Pipeline		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$35,000-\$40,000.		Number of Customers Affected 0
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Tina R. Beach	Date 01/28/2021
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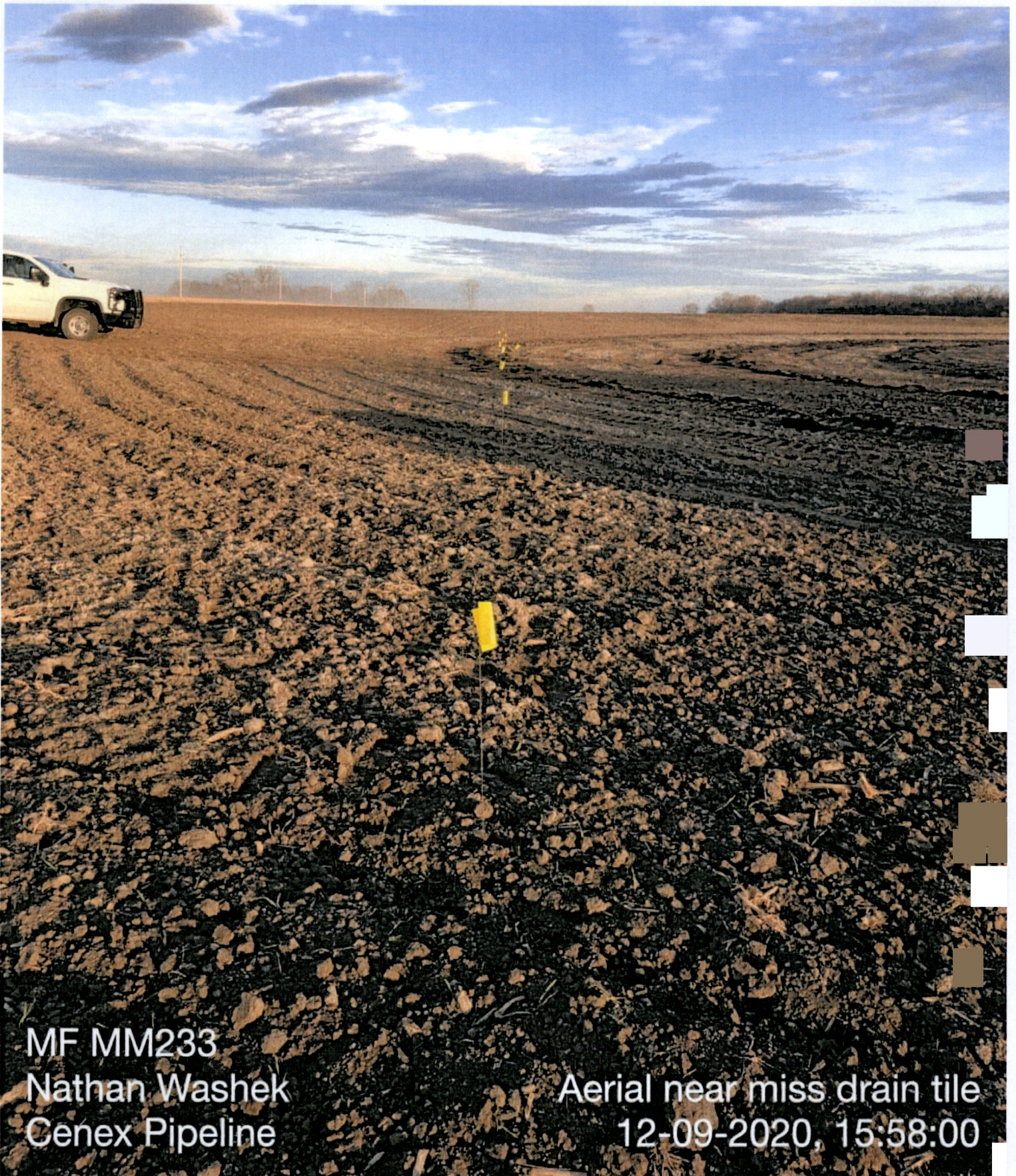
Submit

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

West Elevation

☉ 87°E (T) LAT: 47.005995 LON: -97.184325 ±16ft ▲ 946ft



MF MM233
Nathan Washek
Genex Pipeline

Aerial near miss drain tile
12-09-2020, 15:58:00

East Elevation

☉ 282°W (T) LAT: 47.005945 LON: -97.183496 ±16ft ▲ 898ft



■ F MM233
Nathan Washek
Genex Pipeline

Aerial near miss drain tile
■ 12-09-2020, 15:52:57