



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 Ryan Farmer	Street Address 611 37th Ave SE bldg. 29	City Williston	State and Zip Code ND 58801
Telephone and Cell Phone Number 701-339-6090	Email Address Ryan_Farmer@kindermorgan.com		Date 4/14/21
<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 Dirty Birds LLC	Street Address P.O. Box 423	City Watford City	State and Zip Code ND 58854
Telephone and Cell Phone Number 701-770-7121	Email Address QUEENBDIRTYBIRD@GMAIL.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 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 checked="" 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: 10681 ND-73 Keene, ND 58847
Date and Time of Violation: 4/2/21
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> Contractor failed to notify Kinder Morgan Damage Prevention representative prior to excavating to expose Kinder Morgan's liquids pipeline per instructions given to Carlotta Berdahl on 3/25/21 at 3:30pm by Kinder Morgan Line Patroller Deldre Berquist. Kinder Morgan's liquids pipeline was excavated across and exposed without a Kinder Morgan representative on site to observe excavation and therefore without permission by Kinder Morgan.

PART D – DAMAGE

Fatalities 1	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: Kinder Morgan 8" Arrow to Johnson's Corner Regulated Liquids pipeline		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$0 No damage to Kinder Morgan pipeline.		Number of Customers Affected 0
Other impact of event: Pipeline was left open crossing ditch over the weekend and sloughing occurred that had potential to damage the coating of the pipeline. Pipeline was re-exposed by contractor after unauthorized encroachment was discovered and inspected to reveal no damage to the coating.		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 4/14/21
--	-----------------

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