



Public Service Commission

State of North Dakota

COMMISSIONERS

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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

April 16, 2021

Cody Berdahl
Dirty Birds LLC
PO BOX 423
Watford City, ND 58854

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

Dear Cody:

Enclosed is a copy of a ND One-Call Complaint, against Dirty Birds LLC, received by the North Dakota Public Service Commission on April 14, 2021, from Ryan Farmer at Kinder Morgan, of Williston, ND, Case Number PU-21-140. The location of the incident identified in the complaint is approximately 10681 ND-73, Keene, 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 April 30, 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 Dirty Birds 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: Ryan Farmer

2 PU-21-140 Filed: 4/16/2021 Pages: 2
Letter enclosing North Dakota One-Call Complaint

Public Service Commission
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 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 Patrolter 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
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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

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North Dakota One-Call Complaint
Kinder Morgan
Ryan Farmer