

Memorandum

To: Julie Fedorchak, Randy Christmann, and Brian Kroshus

From: Adam Renfandt

Date: 08/10/2021

Re: ND One-Call Complaint
Case No. 21-140

On April 14, 2021, a ND One-Call Complaint was received from Kinder Morgan (KM) alleging that Dirty Birds, LLC (DB) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law for excavating while the operator was not present.

Staff's investigation found that on March 25, 2021, DB's personnel provided an excavation notice to the North Dakota One-Call Notification Center (NDOC), with work to begin on March 30, 2021. The NDOC assigned locate ticket number 21012192. The work was to trench a liquids pipeline. The expiration of the ticket was April 20, 2021.

On April 2, 2021, DB personnel began its excavation at the location cited in the excavation notice. The excavation caused no damage to KM's pipeline. The basis for KM's complaint was that they were not present to observe the excavation. However, ND One-Call law does not require that an operator be present during an excavation, and all operators had marked and cleared their lines prior to the excavation.

Based on Staff's investigation, Staff does not intend to file a formal complaint and recommends that the case be closed.