



# Public Service Commission State of North Dakota

---

## COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Brian Kroshus

600 East Boulevard Avenue Dept. 408  
Bismarck, ND 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

August 10, 2021

Nathan Kemp  
Martin Construction, Inc.  
3685 116<sup>th</sup> Ave  
Dickinson, ND 58601-9713

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

Mr. Kemp:

Enclosed is a copy of a ND One-Call Complaint, against Martin Construction, Inc., received by the North Dakota Public Service Commission on August 9, 2021, from Alliance Pipeline LP, Case Number PU-21-361. The location of the damage identified in the complaint is a few miles northeast of Tioga.

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 Director, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by August 24, 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 Martin Construction, Inc. 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 701-328-4153 or at [arenfandt@nd.gov](mailto:arenfandt@nd.gov) with any questions regarding this correspondence.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Renfandt".

Adam Renfandt  
Public Utilities Division  
North Dakota Public Service Commission  
600 E Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480

Enc: ND One-Call Complaint  
c: Nathan Dovick



# 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 Alliance Pipeline LP / Nathan Dovick	Street Address 200, 425 1st Street SW	City Calgary	State and Zip Code Alberta, T2P 3L8
Telephone and Cell Phone Number 1-403-829-4015	Email Address GTMDamagePrevention@enbridge.com		Date August 6, 2021
<input 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 Martin Construction / Nathan Kemp	Street Address 3685 116th Ave.	City Dickinson	State and Zip Code North Dakota 58601
Telephone and Cell Phone Number 701-456-2536	Email Address nkemp@martinnd.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 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 checked="" type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) <u>Excavator did not notify pipeline company so they could be on site for the excavation</u>
Location of Violation: 48.403402717198, -102.9072412681946
Date and Time of Violation: July 19, 2021, 08:00
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> Excavator graded a few inches of soil over top of the Alliance natural gas transmission pipeline and crossed the pipeline with heavy equipment without having an Alliance representative present on site. Excavator also struck a nearby fiber optic line while excavating. No damage found to the natural gas transmission pipeline.

## 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 Nathan Dovick	Date August 6, 2021
---	------------------------

**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

1 PU-21-361 Filed 08/09/2021 Pages: 1  
North Dakota One-Call Complaint  
Alliance Pipeline L.P.  
Nathan Dovick