



Public Service Commission

State of North Dakota

COMMISSIONERS

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June 6, 2022

Baha Petroleum Consulting Corp.
7310 2nd Ave. W.
Williston, ND 58801-7359

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

Enclosed is a copy of the ND One-Call Complaint against Baha Petroleum Consulting Corp. received by the North Dakota Public Service Commission (Commission) on May 23, 2022, from Ryan Farmer, Kinder Morgan, Williston, North Dakota, Case Number GS-22-200. The location of the damage identified in the complaint is Sacramento Federal 4-10H & 5-10H well site, NW of the intersection of 58th St NW and 119th Ave NW near Epping, North Dakota.

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 June 22, 2022**, with your written account of the event, including the applicable One-Call locate ticket number for work performed at the location indicated above.

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 Baha Petroleum Consulting Corp. 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 701-328-4097 or at kcrockford@nd.gov with any questions regarding this correspondence.

Sincerely,

Konrad Crockford
Director, Compliance Division

Enc: ND One-Call Complaint

c: Ryan Farmer, Kinder Morgan



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 Kinder Morgan/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 5/20/22
<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 Baha Petroleum Consulting	Street Address 7310 2nd Ave	City Williston	State and Zip Code ND 58801
Telephone and Cell Phone Number 701-570-4280/701-770-5922	Email Address bahaonecall@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 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: Sacramento Federal 4-10H & 5-10H well site. NW of Intersection of 58th St NW and 119th Ave NW near Epping ND
Date and Time of Violation: 5/18/22 5:07pm
Description (summarize the observations on which you rely to allege the violation) If more space is required, please provide the description on a separate page. Baha Petroleum called in a one call ticket (22031628) that has a valid start date of 5/20/22. On 5/18/22 at approx. 5:07pm a Line Patrolter for Kinder Morgan visited the site to perform the requested locate and discovered that excavation was already completed and crossed active KM assets on site. The contractor failed to wait the required 48 hours prior to beginning excavation.

PART D – DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: Electric cable owned by Kinder Morgan		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$0	Number of Customers Affected 0	
Other impact of event: None		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 5/20/22
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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