



RECEIVED

JUN 13 2022

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Mr. Crockford,

I am writing in reference to Case Number GS-22-200, ND One-Call Complaint against BAHA Petroleum Consulting Corp. that was received by the North Dakota Public Service Commission on May 23, 2022. On Wednesday, May 18th 2022 we were out working for L&K Electric to assist them with the installation of an electric service. L&K Electric subcontracts BAHA to perform vacuum excavation for them to assist in places that they cannot run their mechanical trencher. With the electrical contractors BAHA performs vacuum excavation for, we generally do not know the scope of their work nor the routes they are taking when installing new services so they will notify any private utility owners that may need to be on site.

L&K Electric had called with the job the day prior and gave me his one call ticket number of 22026867 which he said cleared on May 13th, 2022 so that I could put a ticket in and reference their one call. Later that afternoon I received a call asking if we could come out on the 18th as the project needed to get completed. We went out to the project and performed vacuum excavation tracing an existing conduit for them near the power pole and attaching to their trench they put in with their trencher on the East side of the location and that is where the 1" electrical line owned by Kinder Morgan was crossed at approximately 18" in depth. The existing conduit was approx. 20" below the KM electrical line. After that the guys were done assisting L&K and finished up for the day. Later that evening I received a phone call from a Kinder Morgan locator to talk about the job and he was curious as to where the new electric line was put where crossing their line. I told him that I did not know as we were not on location when that would have been installed by L&K but that I would get ahold of them and find out. After speaking with L&K their guys stated there was approx. 6" of separation between the new line and the Kinder Morgan line so I called the Kinder Morgan representative back and told him that. The Kinder Morgan representative said that he needed to see the separation between so I set up a time to meet him on Friday, May 19th. We met with him on site to expose the crossing with our vacuum excavator. Upon exposing the area L&K had laid their new electrical line above the Kinder Morgan line. The Kinder Morgan representative then stated that he was going to make some phone calls because new lines were supposed to be installed with no less than 2' of separation. We waited for him to find out what they wanted to do and it was determined that they wanted us to vacuum excavate beneath their line and have L&K come back out to pull and reinstall their lines underneath the KM line. After the game plan was made the Kinder Morgan representative received another phone call and said that they were going to cancel going under their line and that it could be backfilled without anything further needing to be done. There was no damage done to any of the utilities.

Please call if there are any other questions at 701-570-4280.

Sincerely,

Ryan Lee

BAHA Petroleum Consulting Corp.



Baha Petro <bahaonecall@gmail.com>

Ticket: 22031628

2 messages

nd@occinc.com <nd@occinc.com>
To: bahaonecall@gmail.com

Tue, May 17, 2022 at 2:04 PM

NORTH DAKOTA ONE CALL

Please verify the ticket information and location mapping are correct, and that no work will take place outside the area indicated on the map, by clicking on the [TicketLINK](#). Should any changes be needed, you can use the 'Update' ticket function listed on the ticket.

You can view the utility status, request a "Relocate/re-spot", "Cancel" or "Update" a locate request by simply clicking on the [TicketLINK](#). If you have any questions, please email ialead@occinc.com.

The map is used to determine which facility operators may have facilities in your dig area. The precise excavation area and scope of work **MUST** be described in the extent of work field on the ticket and all work should be contained in the mapped area.

To verify the ticket information and location mapping, click on the [TicketLINK](#). Should any changes be needed, you can use the 'Update' ticket function listed on the ticket.

Ticket Summary

LORQ ROUTINE

Request #:	22031628	Time:	2:02 PM CT	Type:	WEB
Original Call Date:	05/17/22	Time:	12:01 AM CT		
Work to Begin Date:	05/20/22	Time:	12:01 AM CT		
Expiration Date:	06/10/22				

Work Information

Location: County:	WILLIAMS	City:	BROOKLYN TWP	City Limits:	N
Address / Street:	0 58TH ST NW				
Near Intersection:	119TH AVE NW				
Map Twp:	155N	Rng:	98W	Sect-Qtr:	10-SE
Excavation Type:		Depth:	4FT	Explosives:	N
White lining/site identification:			WHITE MARKING	Tunneling/Boring:	N
Type of Work:			INSTALL ELECTRIC		

MARK A 80 FT RADIUS AROUND THE TRANSFORMER. GOOGLE DRIVING DIRECTIONS: FROM THE INTERSECTION OF 58TH ST NW AND 119TH AVE NW, HEAD WEST ON 58TH ST NW FOR 0.154 MI, HEAD N FOR 226 FEET TO THE TRANSFORMER. WILL BE HYDRO EXCAVATING FOR L&K ELECTRIC TO INSTALL UTILITIES. PLEASE REFER TO L&K ELECTRIC ONE CALL TICKET #22026867 AS

THEY WILL BE OUR LEAD ON THIS PROJECT.

Remarks:

Caller Information

Company: BAHA PETROLEUM CONSULTING
Address: 7310 2ND AVE; WILLISTON, ND 58801
Contact Email: bahaonecall@gmail.com
Work For: L&K ELECTRIC / CONTINENTAL
Contact Name: RYAN LEE
Type: CONTRACTOR
Alt. Contact: CHAD ALLISON

Call Back:

Phone: 701-570-4280
Phone: 701-770-5922

Members Notified

Code	COMPANY NAME	Phone
CNT04	CONTINENTAL RESOUR	(701)570-5423
KMHLND3	KINDER MORGAN/HILA	(701)339-6090
MOUNT01	MOUNTRAIL/WILLIAMS	(701)577-3765
NWCOMM02	NORTHWEST COMMUNIC	(406)274-4149
ONEPIP02	ONEOK NGL PIPELINE	(918)588-7111

Location Information

Number of Excavation Locations: 1

Below are the farthest NW and SE coordinates of the Excavation Polygon(s). Please use "Link to Tkt" to access all points.

Poly 1: NW Lat: 48.2564276 **Lon:** -103.2634573 **SE Lat:** 48.2559896 **Lon:** -103.2627993

Excavator Responsibilities

- * If there are any private underground facilities in the excavation area, you must contact them directly. Any underground facilities owned by the property owner will not be located or marked by local utilities.
- * North Dakota century code chapter 49-23, regarding one call and damage prevention in North Dakota requires excavators to financially support the one call center. For more information visit www.ndonecall.com/excavators/

bahapetrochad <bahaonecall@gmail.com>
 To: "bahapetrochad@gmail.com" <bahapetrochad@gmail.com>

Fri, May 20, 2022 at 7:22 AM

Sent from Mail for Windows

[Quoted text hidden]



Baha Petro <bahaonecall@gmail.com>

Ticket Check Status for ND Ticket 22031628

1 message

nd@occinc.com <nd@occinc.com>
To: bahaonecall@gmail.com

Thu, May 19, 2022 at 8:24 AM

Ticket Number: **22031628**

Location: 58TH ST NW BROOKLYN TWP, ND

As of **5/19/22 8:24 CDT**, participating facility owners have responded to Ticket Check as follows:

District Code	Status
CONTINENTAL RESOURCES	No Locate-Spoke to Excavator, Excavation completed
KINDER MORGAN/HILAND	Marked
MOUNTRAIL/WILLIAMS ELECTRIC CO	Marked
NORTHWEST COMMUNICATIONS COOP	Clear/No conflict
ONEOK NGL PIPELINE, LLC	Clear/No conflict

To review this ticket in its entirety, visit Search and Status @ on www.managetickets.com.



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

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,

A handwritten signature in blue ink, appearing to read "Konrad Crockford".

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) <i>If more space is required, please provide the description on a separate page.</i> 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 Patroller 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