



RECEIVED

JUN 13 2022

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Mr. Crockford,

I am writing in reference to Case Number GS-22-201, ND One-Call Complaint against BAHA Petroleum Consulting Corp. that was received by the North Dakota Public Service Commission on May 26, 2022. On May 26th 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 on the 24th of May and gave me his one call ticket number of 22031111 which he said cleared on May 20th, 2022 so that I could put a ticket in and reference their one call. L&K called me and stated that they scheduled to perform the job on May 26th so I told him that I would attempt to contact the utility operators on the one call as my one call would clear the 27th. From communications with Ryan Schmaltz, he stated that work could be started prior to the work to begin date on the one-call if the members notified were clear/marked. I was able to get clearance from everyone but Kinder Morgan. L&K told me that he had spoken with them prior and KM stated their nearest asset was an abandoned line, which they did not mark, approximately 20' away from the planned dig site so they did not need to have a representative on location as they would not be near their assets. Upon completion of the job there was no work near Kinder Morgan assets.

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: 22037239

1 message

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

Tue, May 24, 2022 at 4:23 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

NOTICE OF INTENT TO EXCAVATE

Request #: 22037239
Original Call Date: 05/24/22
Work to Begin Date: 05/27/22
Expiration Date: 06/17/22

Time: 4:20 PM CT
Time: 12:01 AM CT
Time: 12:01 AM CT
Type: WEB

Work Information

Location: County: DIVIDE
Address / Street: 0 90TH ST NW
Near Intersection: 112TH AVE NW
Map Twp: 161N
City: UPLAND TWP
City Limits: N
Rng: 96W
Sect-Qtr: 35-SW
Excavation Type: 3FT 6IN
Depth: 3FT 6IN
Explosives: N
Tunneling/Boring: N
White lining/site identification: WHITE MARKING
Type of Work: ELECTRIC INSTALL

CONTINENTAL - KLEIST 1-35H PLEASE MARK 40FT ON EITHER SIDE OF THE FLAGGED ROUTE. TRENCHING FROM THE PUMPING UNIT ELECTRICAL PANELBOARD TO THE TANK CONTAINMENT ELECTRICAL PANELBORAD. MARK FOLLOWING THE ROUTE NE FOR 140FT. WILL BE HYDRO EXCAVATING FOR L&K ELECTRIC TO INSTALL NEW UTILITIES. PLEASE REFER TO L&K ELECTRIC ONE

CALL TICKET #22031111 AS THEY WILL BE OUR LEAD ON THIS PROJECT.

Remarks:

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

Caller Information

Call Back:

Phone: 701-570-4280

Phone: 701-770-5922

Code	COMPANY NAME
BKDEL01	BURKE DIVIDE ELECT
CNT05	CONTINENTAL RESOUR
KMHLND1	KINDER MORGAN/HILA
NWCOMM01	NORTHWEST COMMUNIC

Members Notified

Phone
(701)939-6671
(701)641-6459
(701)339-6090
(701)568-3331

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: 48.7212532

Lon: -103.1073020

SE Lat: 48.7206905 **Lon:** -103.1063377

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/



Baha Petro <bahaonecall@gmail.com>

Ticket Check Status for ND Ticket 22037239

1 message

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

Thu, May 26, 2022 at 12:48 PM

Ticket Number: **22037239**

Location: 90TH ST NW UPLAND TWP, ND

As of **5/26/22 12:48 CDT**, participating facility owners have responded to Ticket Check as follows:

District Code	Status
BURKE DIVIDE ELECTRIC CO-OP	Clear/No conflict
CONTINENTAL RESOURCES	Marked
KINDER MORGAN/HILAND	Marked
NORTHWEST COMMUNICATIONS COOP	Clear/No conflict NG

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 26, 2022, from Ryan Farmer, Kinder Morgan, Williston, North Dakota, Case Number GS-22-201. The location of the damage identified in the complaint is Kleist 1-35H location just off 90th St NW and 112th Ave NW near McGregor, 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 5/26/22
<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 W	City Williston	State and Zip Code ND 58801
Telephone and Cell Phone Number 701-580-4280	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 checked="" 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: Kleist 1-35H location just off 90th St NW and 112th Ave NW near McGregor ND
Date and Time of Violation: 5/26/22 at approx. 11:50am
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> A KM Line Patrolter was responding to locate request number 22037239 called in by Baha Petroleum Consulting. Upon arrival she found that excavation had already begun. Due date on the locate is 5/27/22 at 12:01am. Work was stopped due to not having a valid locate request and the company reps were notified.

PART D – DAMAGE

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

PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 5/26/22
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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