

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

M E M O R A N D U M

TO: Commissioners Christmann, Haugen-Hoffart, and Fedorchak
Steve Kahl, Executive Secretary

FROM: Konrad Crockford, Director, Compliance Division

DATE: February 15, 2023

RE: ND One-Call Complaint
Case No. DM-22-338

On August 3, 2022, a ND One-Call Complaint was received from Ryan Farmer with Kinder Morgan (KM) alleging that Wescom, Inc. (Wescom) violated N.D.C.C. Chapter 49-23 One-Call Excavation Notice System for failing to adhere to KM policy and procedure by not notifying KM prior to crossing a KM asset.

On May 19, 2022, KM discovered that Wescom used a trencher and excavated across two KM owned crude oil pipelines without positively identifying location and depth and with no KM representative onsite to ensure KM's policies and procedures regarding safe excavation were enforced.

Staff investigated the complaint and found that Wescom did have a valid ND One-Call Ticket, number 22052717. Additionally, follow-up communication with KM revealed that both crude oil pipelines had been potholed; therefore, Wescom knew the exact location and depth of the pipelines. Not contacting or following up with an operator after the submittal of a locate request is not a violation of N.D.C.C. Chapter 49-23 One-Call Excavation Notice System.

Based on the investigation, there is not sufficient evidence to support a violation; therefore, Staff does not intend to file a formal complaint. Additionally, Staff recommends that no further action be taken, and the case be closed.