



Public Service Commission
State of North Dakota

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August 19, 2022

Tom Schultz
Custom Contracting Solutions LLC
4386 Hwy 281
Jamestown ND 58401

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

Dear Mr. Schultz:

Enclosed is a copy of the ND One-Call Complaint against Custom Contracting Solutions, LLC received by the North Dakota Public Service Commission (Commission) on August 8, 2022, from Don Johnson, WBI Energy Transmission, Glendive, Montana, Case Number DM-22-343. The location identified in the complaint is I-94, Jamestown, 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 September 9, 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 Custom Contracting Solutions, LLC 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 kcrockford@nd.gov with any questions regarding this correspondence.

Sincerely,

Konrad Crockford / SJB
Konrad Crockford
Director, Compliance Division

Enc: ND One-Call Complaint

c: Don Johnson
WBI Energy Transmission

2

DM-22-343 Filed: 8/19/2022 Pages: 5
Letter Enclosing North Dakota One-Call Complaint



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 WBI Energy Transmission / Don Johnson	Street Address 2010 Montana Ave.	City Glendive	State and Zip Code MT 59330
Telephone and Cell Phone Number 406-359-7316 / 406-989-1053	Email Address don.johnson@wbienergy.com		Date 8/8/2022
<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 Custom Contracting Solutions / Tom Schultz	Street Address 4386 Hwy 281	City Jamestown	State and Zip Code ND 58401
Telephone and Cell Phone Number 701-320-6369 / 701-251-8106	Email Address tom@customcontractingsolutions.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 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 checked="" 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: I-94 Jamestown
Date and Time of Violation: On or around July 27 & August 4, 2022
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> Custom Contracting Solutions, the contractor was installing anchors for Cable Median Barriers on I-94 east of Jamestown. The anchors were installed 6' deep and within 1' of locate marks using mechanical equipment. No hand excavation was used to determine exact location of the pipeline prior to anchor installation. Refer to locate ticket 22016636. At another location the anchor was installed prior to locates being performed, again within close proximity to WBI's Transmission Pipeline, see locate 22088419. See attached photos.

PART D – DAMAGE

Fatalities none	Injuries none	In-patient Hospitalization none
Underground facility type(s) and Operator(s) affected: Natural Gas Transmission Pipeline, WBI Energy Transmission		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$	Number of Customers Affected	
Other impact of event: Custom Contracting Solutions pounded 6' long Cable Median Anchors into the ground within inches of WBI Energy's 8" Natural Gas Transmission Pipeline with an MAOP of 1188psi. If the contractor had ruptured this pipeline, fatalities may have taken place and the freeway and surrounding area would have received significant damage.		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Don Johnson	Date 8/8/2022
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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

1 DM-22-343 Filed 08/08/2022 Pages: 4
North Dakota One-Call Complaint
WBI Energy Transmission, Inc.
Don Johnson





