

Hamre, John G.

From: Thomas Schultz <tom@customcontractingsolutions.com>
Sent: Wednesday, November 9, 2022 4:33 PM
To: Crockford, Konrad S.
Subject: Re: Case Number DM-22-343
Attachments: PC Response Letter.pdf; MAP.pdf; Calendar July.jpg; WBI Line 1.jpg; WBI Line 2.jpg

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Konrad,

Attached is my response to what we spoke about on the 7th. Sorry I had a couple of other things to take care of with the storm that's coming or I would of got this to you yesterday. Let me know if you have further questions.

If you have any questions, please feel free to contact me.

Thank you.

Custom Contracting Solutions, LLC
Brickhouse Frozen Products, LLC
Thomas Schultz
8151 36th St SE
Jamestown, ND 58401

(701) 251-8106 Phone
(701) 952-2114 Fax
tom@customcontractingsolutions.com

From: Crockford, Konrad S. <kcrockford@nd.gov>
Sent: Monday, November 7, 2022 4:21 PM
To: Thomas Schultz
Subject: RE: Case Number DM-22-343

Tom,

Thank you for your time today. As we discussed, if you could provide the following information as it relates to the East side of Jamestown no later then November 16, 2022:

- Dates construction took place and was completed to include dirt work and installation of sleeves.
- Date hydroseed was applied.
- Did dirt work take place specifically at the point where WBI's pipeline crossed the highway?
- What type of dirt work took place?
- Do you have construction pictures of this area you can provide?
- Any other information you want to include.

Konrad Crockford
Director, Compliance Division

5 DM-22-343 Filed 11/09/2022 Pages: 10
Response to North Dakota One-Call Complaint
Custom Contracting Solutions, LLC
Thomas Schultz, President

*Weights & Measures • Railroad Safety • Pipeline Safety
Auction Licensing • Risk Management • Damage Prevention*

701.328.4097 • kcrockford@nd.gov • www.psc.nd.gov



From: Crockford, Konrad S.
Sent: Thursday, August 25, 2022 08:03
To: Thomas Schultz <tom@customcontractingsolutions.com>
Subject: RE: Case Number DM-22-343

Tom,

Thank you for the additional information. I will add that all of this is placed into our docketing system which is open to the public if someone were to choose to go look at it. I will review what you submitted thoroughly and as I put the pieces together I'll reach out for additional information if necessary.

Thank you!

Konrad Crockford
Director, Compliance Division

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From: Thomas Schultz <tom@customcontractingsolutions.com>
Sent: Wednesday, August 24, 2022 16:42
To: Crockford, Konrad S. <kcrockford@nd.gov>
Subject: Re: Case Number DM-22-343

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Thanks Konrad. I'm assuming you will be asking for a response from WBI on this and would prefer you not to share the information I've provided until you have a response to your questions from them. Based on their complaint they referenced ticket #22016636 which was a ticket that was called in on 4/21/22. As I've shown this ticket was updated on 7/14/22. Markings from WBI were made after 7/26/22, I'm assuming 7/27/22 since this is the day they reference the violation occurring. To me it looks like they overlooked that the ticket got updated and had happened to be driving by and saw posts standing up in the ditch which triggered him stopping to look for their line. Also hydraulic mulch was put in place on 7/20/22 and when it is applied it is green until it gets rained on. When the mulch is sprayed on you can still see the paint marks and flags. Once the mulch gets rained on it turns brown. As you can see in the pictures they provided our orange mark that

was sprayed on 7/25/22 is almost gone. WBI's marks are fresh and have been painted on top of the mulch. Had the marks been there before we installed the sleeves and posts they would look like our orange marks or not be there at all. Hopefully all of the information helps.

If you have any questions, please feel free to contact me.

Thank you.

Custom Contracting Solutions, LLC
Brickhouse Frozen Products, LLC
Thomas Schultz
8151 36th St SE
Jamestown, ND 58401

(701) 251-8106 Phone
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tom@customcontractingsolutions.com

From: Crockford, Konrad S. <kcrockford@nd.gov>
Sent: Wednesday, August 24, 2022 3:11 PM
To: Thomas Schultz
Subject: RE: Case Number DM-22-343

Tom,

I am in receipt of Custom Contracting Solution's response to PSC case no. DM-22-343. Staff will review your response and reach out if we have questions.

Thank you,

Konrad Crockford
Director, Compliance Division

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From: Thomas Schultz <tom@customcontractingsolutions.com>
Sent: Wednesday, August 24, 2022 16:01
To: Crockford, Konrad S. <kcrockford@nd.gov>
Subject: Case Number DM-22-343

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Konrad,

Please see attached our response to Case Number DM-22-343. Please confirm you received this.

If you have any questions, please feel free to contact me.

Thank you.

Custom Contracting Solutions, LLC
Brickhouse Frozen Products, LLC
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CUSTOM CONTRACTING SOLUTIONS, LLC

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November 9th, 2022

Public Service Commission
State of North Dakota
600 East Boulevard, Dept 408
Bismarck, North Dakota 58505-0480

Attn: Konrad Crockford

RE: Project #: HEN-X-2-094(172)251 (PCN-22884)

As per your request I have attached a map showing the WBI line location and dirtwork/seeding areas, my July Calendar and a couple of pictures of WBI location. Ticket #22073654 was called in on 7/14/22 after the dirtwork was completed. My update stated "DIRTWORK COMPLETED. PLEASE PAINT EDGE OF ROADWAY EASTBOUND AND WESTBOUND AND FLAG THROUGHOUT MEDIAN WHERE LINE RUNS." The dirtwork was completed 7/11/22 at this location by Border States Paving. On 7/20/22 this area was also seeded and hydraulic mulch was installed by Rabbithead Construction. This was for temp seed so the process does not involve disturbing any dirt. The temp seed is mixed in the hopper with the hydraulic mulch and it is a spray on application. I went through the jobsite myself and stringlined our run through this area on 7/22/22. We marked out and pounded sleeves through this segment of work on 7/25/22. We installed posts in the sleeves and laid out clips and installed reflectors on 7/26/22.

Dirtwork did take place over WBI's line. The work consisted of importing topsoil and adding it to the existing ditch to make it a 6:1 slope. You can see by the pictures attached that the westbound ditch had the topsoil added to it.

I do not have any construction pictures of this area as I did not know there would be a need for any. WBI's line was not located when I went through on 7/22/22 and stringlined the run and it was not located when we marked out, laid out sleeves and pounded through this location on 7/25/22 and it still was not located when we installed posts, clips, caps and reflectors on 7/26/22. I also personally installed the reflectors and would have seen the markings and flags again at that time. WBI would have had to mark out their locate in the early hours of July 27th because the line was located when I ran out the cable for this run later on that day. What WBI supplied for pictures shows me fresh paint on top of hydraulic mulch and fresh paint on the edge of asphalt. These pictures are not dated or timestamped, but it is clear they were not taken within the timeframe that the locate was supposed to be completed after submission on 7/14/22. The locates should have been located before this work was completed and not after. WBI should not be allowed to come in 13 days after the locate ticket was submitted, paint "fresh" lines and say that is proof that they located on time. If they do their job like Summit they take date stamped pictures on their tablets and upload them to every locate ticket in their system. Please ask them to provide these pictures.

I have also never had a locator just randomly stop by 13 days after a locate request unless there was a problem or I called them to the site. For the second and third quarters of 2022 I have called in 195 locate

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requests. If I was trying to do anything nefarious, I would not waste my time calling in locates at all. Our company has also completed 26.44 miles of High-Tension Cable in 2022 through Dickinson, Jamestown, Valley City and Fargo. Going through all of these city locations we have dealt with a lot of lines and locators and did not have any issues. We also dealt with numerous Gas Companies. One company had watch people on site for both of their lines, one company hydro vacuumed their line and had a watch person on site, others called me and met me on site to discuss their lines and others I did not receive any calls or requests from.

In conclusion, I feel we did nothing wrong. WBI failed to locate their line within the time constraints allowed by century code and did not provide any proof that they did so. The only proof provided is proof that they located their line after work was complete and well after the time they are allotted. The most blatant mistake they made was when the complaint was filed they reference a locate request from April instead of referencing the locate request that was put in on 7/14/22. This just helps show that they did not realize that when this complaint was filed that another ticket for this area even existed. In my opinion, this is further proof that shows the reason the locator stopped by the site was that he saw work completed, knew he had a line in the area and knew he never located it recently. To file a complaint and to provide fresh paint pictures does not show proof that they did their job properly to begin with; it shows proof they attempted to do their job AFTER the fact. If WBI has other relevant evidence; please provide that documentation as well as dates of when that evidence was created.

If you have any questions, please feel free to contact me.

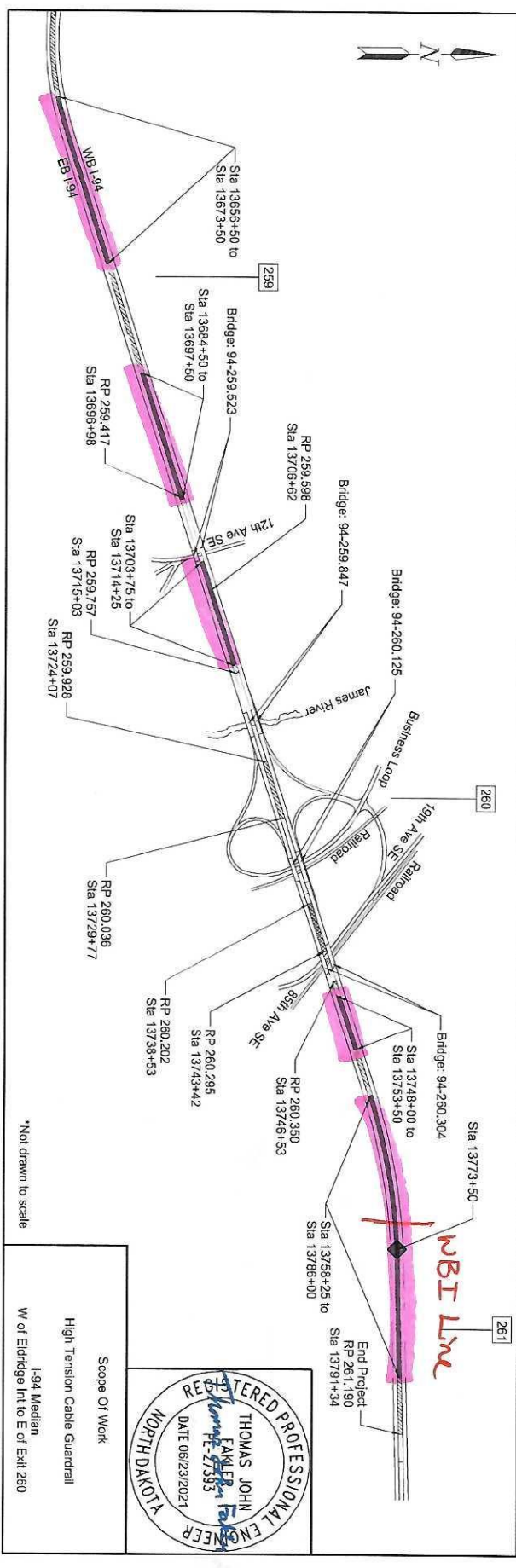
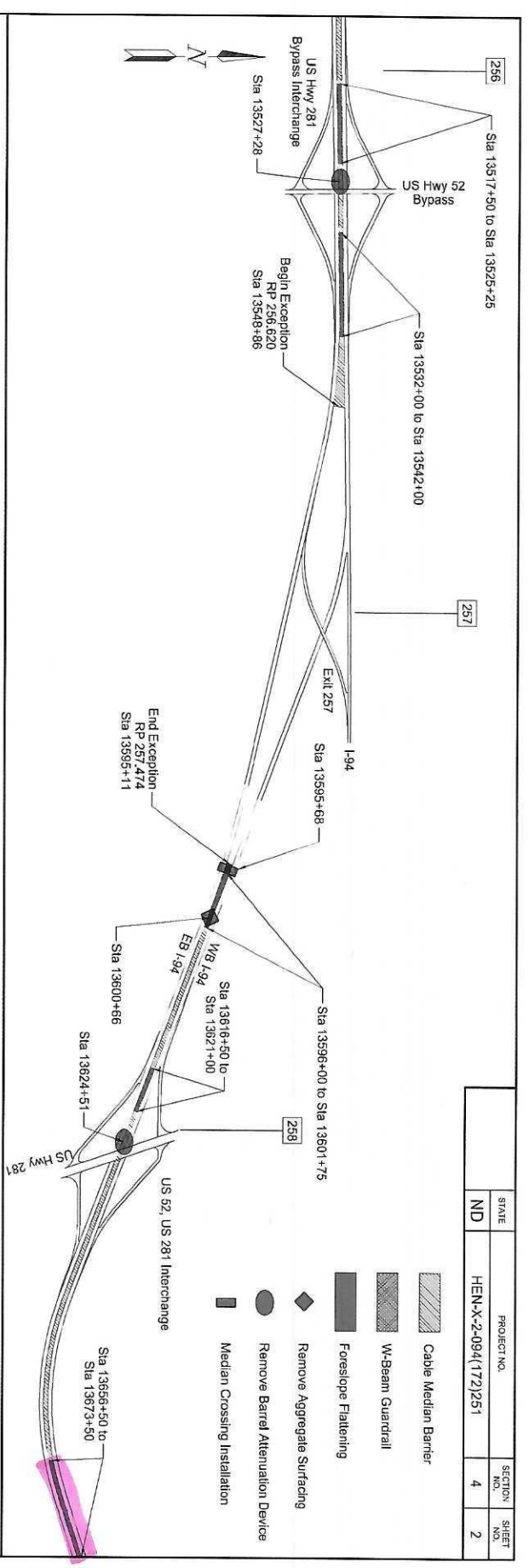
Sincerely,

CUSTOM CONTRACTING SOLUTIONS, LLC



Thomas J. Schultz
President

Disturbance areas - Work completed 7/11/22 - 7/14/22. This contractor worked East to West so work at WBI location would have been completed on 7/11/22. They swept the road on 7/15/22 & drove it back.



JULY 2022

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

1

182/183

2

183/184

CCS 22883

3

184/181

4

185/180

5

186/179

6

187/178

7

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8

189/176

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Independence Day

CCS 22883

CCS 22883

CCS 22883

CCS 22883

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11

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12

193/172

13

194/171

14

195/170

15

196/169

16

197/168

Border States 22884
CCS 22884
CCS 22883

Border States 22884
CCS 22883

Border States 22884
CCS 22883

Border States 22884
Dakota Seed 22885
CCS 22883

Border States 22884
CCS 22883

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199/166

19

200/165

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201/164

21

202/163

22

203/162

23

204/161

Rabbithead 22884
CCS 22884 | CCS 22-8
CCS 22883

Rabbithead 22884
Martin 22883
CCS 22883, 22884

Rabbithead 22884
Martin 22883
CCS 22883, CCS 22884

CCS 22884

CCS 22884

CCS 22884

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206/159

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210/155

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212/153

CCS 22884

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When a loved one is facing difficult choices, you can offer courage.



WALKER'S

WALKER'S

WALKER'S

a teen is facing
tough choices.
Can you foster courage.



9378 FosterWishHome@FTH.org

