



Public Service Commission
State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

**RESPONSE REQUIRED BY
AUGUST 18, 2023**

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

July 25, 2023

Jim Dobbyn
Badlands Contracting LLC
PO Box 2384
Watford City ND 58854

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

Enclosed is a copy of the North Dakota One-Call Complaint against Badlands Contracting, LLC received by the North Dakota Public Service Commission (Commission) on July 7, 2023, from ONEOK Rockies Midstream, Tulsa, Oklahoma, Case Number DM-23-263. The location identified in the complaint is 47.3289, -102.9082.

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 August 18, 2023**, with your written account of the event, including the applicable One-Call locate ticket number(s) for work performed at the location indicated above and in connection with the enclosed complaint.

Your response and the North Dakota 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 with the Commission a formal complaint against Badlands Contracting, LLC which may result in a penalty up to \$25,000 per violation in accordance with 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
Director, Compliance Division

Enc: North Dakota One-Call Complaint

c: Alex Holland
ONEOK Rockies Midstream



ONE-CALL COMPLAINT
PUBLIC SERVICE COMMISSION
 SFN 59067 (08/2022)

INSTRUCTIONS: To allege a violation of the One-Call Excavation Notice System (N.D.C.C. Chapter 49-23), complete this form in its entirety.

SECTION I – COMPLAINANT (Individual/entity completing form)

Company/Entity Name (if applicable) ONEOK Rockies Midstream			
Contact Person Alex Holland	Email Address alex.holland@oneok.com	Telephone Number 918-595-1587	
Mailing Address 100 W Fifth Street	City Tulsa	State OK	Zip Code 74103
Complainant is willing and able to testify on the complaint if matter proceeds to a formal hearing.			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

SECTION II – RESPONDENT (Individual/entity who allegedly violated the One-Call law)

Company/Entity Name (if applicable) BADLANDS CONTRACTING LLC			
Contact Person JIM DOBBYN	Email Address onecall@badlandscontracting.com	Telephone Number 810-834-7235	
Mailing Address P.O. BOX 2384	City Watford City	State ND	Zip Code 58854

SECTION III – ALLEGED VIOLATION

OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).			
<input type="checkbox"/> Operator failed to mark or clear underground facility within locate period.	<input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally.		
EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).			
<input checked="" type="checkbox"/> Excavation started prior to underground facility locate.	<input type="checkbox"/> Excavator failed to provide locate notice prior to beginning excavation.		
<input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner.	<input type="checkbox"/> Excavator failed to renew locate request prior to expiration of the 21-day period.		
OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.			
<input type="checkbox"/> Write Issue/Concern: _____			

SECTION IV – DESCRIPTION/DAMAGE

Date and Time of Event 7/5/2023 13:15	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 47.3289, -102.9082	One-Call Ticket Number 23067289
Underground Facility Affected <input type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input type="checkbox"/> Cable <input type="checkbox"/> Communications <input type="checkbox"/> Water <input type="checkbox"/> Sewer/Storm Water <input type="checkbox"/> Petroleum <input type="checkbox"/> Other _____		
Material & Size of Underground Facility (Poly, Steel, Coated Pipe / Fiberoptic / 2 KW / 1.5 in, 2 in / etc.) 6" Poly	Operator(s) Affected ONEOK Rockies Midstream	
Estimated Value of Damage n/a	Injuries (List Number, If Any) Fatalities _____ Injuries _____ Hospitalizations _____	Number of Customers Affected n/a
Description of the alleged violation/concern. If more space is required, attach additional page(s). ONEOK operator arrived on a pipeline location to complete one call ticket #23067289 due 7-6-23 for Badlands Contracting completing a water line repair for Elkan Water. When the operator arrived, he seen the 3rd party contractor had already started digging before the locate was complete. The operator instructed the contractor to stop work and the operator located the ONEOK line. ONEOK operator informed contractor of One Call laws and expectations.		

SECTION V – SIGNATURE OF COMPLAINANT

Signature 	Printed Name Alex Holland	Date 7/7/2023
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