

Crockford, Konrad S.

From: Brett Hudson <brett@tkenterprises.net>
Sent: Thursday, August 17, 2023 08:12
To: -Info-Public Service Commission; Crockford, Konrad S.
Cc: Trevor Kalberer
Subject: Case Number DM-23-277
Attachments: 08092023_INSTRUCTIONS_To allege aviolation of the One-Call Exc.pdf; Final Response to PSC - KDM comments 8.11.23-30531.pdf

You don't often get email from brett@tkenterprises.net. [Learn why this is important](#)

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Good Morning, Please find attached Documents in Response to Case Number DM-23-277. We look forward to hearing back from you, feel free to contact me anytime via email or phone.

Brett Hudson (406) 321-0558

3 DM-23-277 Filed 08/17/2023 Pages: 4
Response to North Dakota One-Call Complaint

Executive Secretary
North Dakota public service commission
600 East Boulevard Avenue, Dept 408
Bismarck, ND 58505

Re: Response to Case Number DM-23-277.

Dear Executive Secretary,

I believe the excavation in question involved driving t-post for fence. This fence was put up to protect the growth of new grass seed once we have had the opportunity to disk and seed the pipeline right of way. I have personally been working with Kinder Morgan and B&G locate services to get the entire pipeline called and located. Some of the locate maps are off because we cannot identify our work area until the pipeline is located by the locators. Naturally, this results in inaccurate maps on our One-Call requests. Because of the inaccuracy on the map portion of the 811-dig request, we spent a lot of time physically walking the pipeline with the locators. B&G has been extremely helpful and walked the pipeline for miles with us, however, working with Kinder Morgan has been extremely difficult as they have been hesitant to work with us. While it is possible our One-Call map area was not entirely accurate, I can assure you that working with the locators we had the entire area properly marked and located safely, before commencing any excavation.

811 ticket number 23073151 is a renewal of the original One Call ticket number, 23058445. Ticket number 23058445 relates to where we built the fence in question. This ticket was for smoothing out the right of way with dozer. While we worked with the locators, we verbally told them all work that would be done, including fence. After having already performed this routine on the last One Call (23046256), we thought we had an understanding between TTK Enterprises, LLC, Kinder Morgan, and B&G.

To our understanding, North Dakota Century Code 49-23-01 7b states "Plowing, cultivating, planting, harvesting, and similar operations in connection with agricultural activities, unless any of these activities disturbs the soil to a depth of eighteen inches [45.72 centimeters] or more." While we are doing all these agricultural activities to till, seed, and protect the growth of native grass, please note that we were driving t-post 10 inches into the soil.

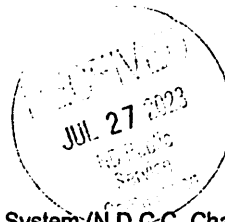
Our mission through this experience is to be co-operative and transparent, but also to learn anything from you that can help us avoid this in the future. Please do not hesitate to reach out to me at any time by email or phone.

Sincerely,

Brett Hudson
406-321-0558
brett@ttkenterprises.net



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) Kinder Morgan			
Contact Person Ryan Farmer	Email Address ryan_farmer@kindermorgan.com	Telephone Number 701-339-6090	
Mailing Address 611 37th Ave SE bldg. 29	City Williston	State ND	Zip Code 58801
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) TTK Enterprises			
Contact Person Brett Hudson	Email Address bhudson@ttkenterprises.com	Telephone Number 406-321-0558	
Mailing Address 1109 15th Ave	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.
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EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).

<input type="checkbox"/> Excavation started prior to underground facility locate.	<input checked="" 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.

Write Issue/Concern: _____

SECTION IV – DESCRIPTION/DAMAGE

Date and Time of Event 7/13/23	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 40th St NW/Watford City/ND/40th St NW & 132nd Ave NW/47.991159, -103.426824	One-Call Ticket Number N/A
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 checked="" type="checkbox"/> Petroleum <input type="checkbox"/> Other _____		
Material & Size of Underground Facility (Poly, Steel, Coated Pipe / Fiber optic / 2 KW / 1.5 in, 2 in / etc.) 6", 4" natural gas and liquids pipelines	Operator(s) Affected Kinder Morgan	
Estimated Value of Damage None	Injuries (List Number, If Any) 0 Fatalities 0 Injuries 0 Hospitalizations	Number of Customers Affected 0
Description of the alleged violation/concern. If more space is required, attach additional page(s). TTK Enterprises failed to call in a locate request prior to installing a fence along the north side of 40th St NW. They had several locates called in around the area, but none were for the specific area or for the fence work that was done. They ended up calling in ticket 23074103 when our technician notified them of the issue. We cleared that ticket due to the work having already been performed.		

SECTION V – SIGNATURE OF COMPLAINANT

Signature 	Printed Name Ryan Farmer	Date 7/26/23
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Please email the completed form to ndpsc@nd.gov, fax to 701-328-2410, or mail to: Public Service Commission
 600 E. Boulevard Ave. Dept 408
 Bismarck, ND 58505-0480



Public Service Commission
State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

**RESPONSE REQUIRED BY
August 25, 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

August 2, 2023

Brett Hudson
TTK Enterprises LLC
1109 15th Ave
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 TTK Enterprises LLC received by the North Dakota Public Service Commission (Commission) on July 27, 2023, from Kinder Morgan, Williston, North Dakota, Case Number DM-23-277. The location identified in the complaint is 40th Street Northwest, 40th Street Northwest and 132nd Avenue Northwest, Watford City, North Dakota (47.991159, -103.420824).

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 25, 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 TTK Enterprises 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: Ryan Farmer
Kinder Morgan