



Public Service Commission
State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

**RESPONSE REQUIRED BY
SEPTEMBER 29, 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

September 13, 2023

Martin
Forest River Colony and Salvage
3202 33rd Ave NE
Forest River ND 58233

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 you received by the North Dakota Public Service Commission (Commission) on September 12, 2023, from North Dakota Pipeline Company, LLC, Edina, Minnesota, Case Number DM-23-305. The location identified in the complaint is the intersection of Broadway and Front Street in Michigan, North Dakota (48.023288, -98.123618).

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 29, 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 you, 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 Nelson
North Dakota Pipeline Company, LLC



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) North Dakota Pipeline Company LLC ("Enbridge")			
Contact Person Ryan Nelson	Email Address damage.prevention@enbridge.com	Telephone Number 701-509-1708	
Mailing Address 7701 France Ave S., Suite 600	City Edina	State MN	Zip Code 55435
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) Forest River Colony and Salvage			
Contact Person Martin	Email Address	Telephone Number 701-865-4112	
Mailing Address 3202 33rd Ave NE	City Forest River	State ND	Zip Code 58233

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 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.	
<input type="checkbox"/> Write Issue/Concern: _____	

SECTION IV – DESCRIPTION/DAMAGE

Date and Time of Event 8/7/2023	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) Intersection of Broadway and Front St in Michigan, ND 48.023288, -98.123618	One-Call Ticket Number
Underground Facility Affected <input type="checkbox"/> Electric <input 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 / Fiberoptic / 2 KW / 1.5 in, 2 in / etc.) 16" Steel	Operator(s) Affected Enbridge	
Estimated Value of Damage n/a	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). On August 7, 2023, an Enbridge representative was in the area completing other work when they observed an excavator working near the Enbridge Right-of-Way. Upon further investigation, the Enbridge representative discovered that Forest River Colony & Salvage was completing demolition of an old building directly adjacent to the Right-of-Way which was resulting in excavation occurring directly above Enbridge's Line 81. After reviewing Enbridge's records, the representative was able to determine that this work had been completed without an active one call ticket. The Enbridge representative reminded the crew on-site that a locate is required for this work as the removal of the debris typically results in ground disturbance. The Enbridge representative then stayed on-site until all debris was removed from the pipeline Right-of-Way.		

SECTION V – SIGNATURE OF COMPLAINANT

Signature 	Printed Name Ryan Nelson	Date
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