



**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) Cobra Oil			
Contact Person Kyle Gardner	Email Address	Telephone Number 940-716-5100	
Mailing Address 2201 KELL BLVD.	City Wichita Falls	State TX	Zip Code 76308

**SECTION III – ALLEGED VIOLATION**

<b>OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).</b>	
<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.
<b>EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).</b>	
<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.
<b>OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.</b>	
<input type="checkbox"/> Write Issue/Concern: _____	

**SECTION IV – DESCRIPTION/DAMAGE**

Date and Time of Event 3/06/2024 @ 10:15am	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) Intersection of 77TH St NW & Oil Lease Rd going north near 22nd Ave NW   Latitude: 48.53556823   Longitude: -101.18314232	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.) Abandoned Steel Lateral Pipeline	Operator(s) Affected Enbridge	
Estimated Value of Damage -	Injuries (List Number, If Any) _____ Fatalities _____ Injuries _____ Hospitalizations	Number of Customers Affected -
Description of the alleged violation/concern. If more space is required, attach additional page(s). <small>1. On March 6, 2024, an Enbridge employee was in the area responding to an unrelated one call request when they noticed a mini-excavator and a Farden Construction Inc truck parked near the Enbridge pipeline Right-of-Way.        2. The Enbridge representative spoke with Todd Farden of Farden who was in the truck to ask what work was occurring. Todd stated that Arrow Roustabout Service is digging to replace a broken water flow line and Farden would be using a backhoe jackhammer to break up frost to allow for other digging to occur. At the time of this conversation, Arrow Roustabout Service was not onsite. Todd provided the Enbridge representative with a phone number for Tyler with Arrow Roustabout.        3. Tyler arrived on site and the Enbridge representative spoke with him to ask if they had a locate request in place. Tyler stated that the project owner, Cobra Oil, had told him that a one call ticket was not required because all work was on within Cobra's tank battery site. The Enbridge representative then told Tyler he needed to stop all work and told them that an Enbridge pipeline was within 10 feet of where they were digging and that the direction of the trench was headed directly for an Enbridge pipeline. The Enbridge representative told Arrow Roustabout that any party (each party is an individual excavator) excavating is required by ND state law to have a locate in place.        4. The Enbridge technician then spoke with Matt Kerston from Cobra to discuss this unauthorized excavation. The Enbridge technician told Matt to place a locate request and to get a hydrovac truck scheduled to properly positively identify the Enbridge pipeline before they could begin work again.        5. Cobra hired a hydrovac truck and positively identified the Enbridge pipeline and the Enbridge representative remained on site to watch and protect over our pipeline while work occurred across our Right-of-Way.        6. Per ND Law, all parties conducting ground disturbance must have a one call ticket in place. Neither Arrow Roustabout, Cobra Oil, or Farden placed a one call ticket for this work which resulted in a near miss of an Enbridge Pipeline.        7. In a separate instance, on May 17, 2024, Enbridge received one call locate ticket 24044265 from Farden for work for Cobra to repair a flowline. In response to this ticket, an Enbridge technician traveled to site to determine the exact locate area in order to mark or clear the ticket. Once they arrived onsite, they were unable to find the white lining associated with the requested ticket. The technician drove around the area, and they discovered the white lining approximately 300 feet to the east of where the excavation was proposed to be. The Enbridge technician contacted Cobra and verified that Farden had the wrong location on their ticket. Farden cancelled the original locate request and issued an updated ticket with the correct area.        8. The ticket submitter must ensure that the details submitted in one call requests are accurate. While the Enbridge line was not in the updated excavation area, other utilities may be present which could have resulted in a damage to another utility operator in the area.</small>		

**SECTION V – SIGNATURE OF COMPLAINANT**

Signature	Printed Name Ryan Nelson	Date 6/3/2024
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Please email the completed form to [ndpsc@nd.gov](mailto:ndpsc@nd.gov), fax to 701-328-2410, or mail to: Public Service Commission  
 600 E. Boulevard Ave. Dept 408  
 Bismarck, ND 58505-0480

## Bauske, Shelly A.

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**From:** Damage.prevention <Damage.prevention@enbridge.com>  
**Sent:** Thursday, June 13, 2024 8:09 AM  
**To:** -Info-Public Service Commission  
**Cc:** Damage.prevention  
**Subject:** Enbridge Complaint - Multiple Parties - 6/13/2024  
**Attachments:** ONe Call Ticket 24045884 - Updated Dig Area one call ticket.pdf; ONE Call Ticket 24044295 - original wrong Dig Area one call ticket.pdf; ND-one-call-complaint-form-Enbridge-Farden.pdf; ND-one-call-complaint-form-Enbridge-Cobra.pdf; ND-one-call-complaint-form-Enbridge-Arrow.pdf; Locate 24045884 - Excavation Area Polygon - Corrected area.PNG; Locate 24044295 - Excavation Area Polygon - Incorrect Area.PNG; GLENBURN UNAuTHORIZED DIG 30624 - Pictures .docx; UA2024-03-06-01 (Farden Letter - signed).pdf; UA2024-03-06-01 (Arrow Roustabout Service Letter-signed).pdf; UA2024-03-06-01 (Cobra Letter signed).pdf

You don't often get email from damage.prevention@enbridge.com. [Learn why this is important](#)

**\*\*\*\*\* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. **\*\*\*\*\***

Hello,

The North Dakota Pipeline Company LLC (Enbridge) would like to file a formal complaint against Arrow Roustabout Service, Cobra Oil, and Farden Construction Inc for a recent contravention of the North Dakota Century Code Chapter 49-2.

In support of this complaint, I am also providing the following information:

- Pictures from an Enbridge Technician taken at the time of the contravention
- The one call tickets associated with the area which was called in wrongly (Applicable to Cobra Oil and Farden Construction only)
  - The associated polygons from those one call tickets.
- Letters we have sent to the violating parties in response to this violation

Please let me know if you require any additional information.

Thanks

Ryan Nelson  
(952) 607-3423

### Damage Prevention

Liquids Pipelines

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ENBRIDGE

[damage.prevention@enbridge.com](mailto:damage.prevention@enbridge.com)

10175 101 St NW, Edmonton, AB T5J 0H3

enbridge.com

Safety. Integrity. Respect. Inclusion. High Performance



**Chad Mosser**  
Supervisor Minot Operations  
Midwest Region

tel (701)857-0861  
chad.mosser@enbridge.com

**North Dakota Pipeline  
Company LLC**  
2625 Railway Avenue  
Minot ND 58703

June 3, 2024

Cobra Oil  
Attn: Kyle Gardner  
2201 Kell Blvd.  
Wichita Falls, TX 76308

**Re: Unauthorized activity at Intersection of 77TH St NW & Oil Lease Rd going north near 22<sup>nd</sup> Ave NW  
(UA2024-03-06-01)**

Dear Kyle,

We have been made aware that you conducted unauthorized activity in proximity to pipeline owned and operated by North Dakota Pipeline Company LLC ("Enbridge"). The specifics of the work include:

1. On March 6, 2024, an Enbridge employee was in the area responding to an unrelated one call request when they noticed a mini-excavator and a Farden Construction Inc truck parked near the Enbridge pipeline Right-of-Way.
2. The Enbridge representative spoke with Todd Farden of Farden who was in the truck to ask what work was occurring. Todd stated that Arrow Roustabout Service is digging to replace a broken water flow line and Farden would be using a backhoe jackhammer to break up frost to allow for other digging to occur. At the time of this conversation, Arrow Roustabout Service was not onsite. Todd provided the Enbridge representative with a phone number for Tyler with Arrow Roustabout.
3. Tyler arrived on site and the Enbridge representative spoke with him to ask if they had a locate request in place. Tyler stated that the project owner, Cobra Oil, had told him that a one call ticket was not required because all work was on within Cobra's tank battery site. The Enbridge representative then told Tyler he needed to stop all work and told them that an Enbridge pipeline was within 10 feet of where they were digging and that the direction of the trench was headed directly for an Enbridge pipeline. The Enbridge representative told Arrow Roustabout that any party (each party is an individual excavator) excavating is required by ND state law to have a locate in place.
4. The Enbridge technician then spoke with Matt Kerston from Cobra to discuss this unauthorized excavation. The Enbridge technician told Matt to place a locate request and to get a hydrovac truck scheduled to properly positively identify the Enbridge pipeline before they could begin work again.
5. Cobra hired a hydrovac truck and positively identified the Enbridge pipeline and the Enbridge representative remained on site to watch and protect over our pipeline while work occurred across our Right-of-Way.
6. Per ND Law, all parties conducting ground disturbance must have a one call ticket in place. Neither Arrow Roustabout, Cobra Oil, or Farden placed a one call ticket for this work which resulted in a near miss of an Enbridge Pipeline.
7. In a separate instance, on May 17, 2024, Enbridge received one call locate ticket 24044295 from Farden for work for Cobra to repair a flowline. In response to this ticket, an Enbridge technician

traveled to site to determine the exact locate area in order to mark or clear the ticket. Once they arrived onsite, they were unable to find the white lining associated with the requested ticket. The technician drove around the area, and they discovered the white lining approximately 300 feet to the east of where the excavation was proposed to be. The Enbridge technician contacted Cobra and verified that Farden had the wrong location on their ticket. Farden cancelled the original locate request and issued an updated ticket with the correct area.

8. The ticket submitter must ensure that the details submitted in one call requests are accurate. While the Enbridge line was not in the updated excavation area, other utilities may be present which could have resulted in a damage to another utility operator in the area.

At Enbridge, we are committed to the safe operation of our pipelines and to the safety of those who live and work near them. We treat unauthorized activity seriously because of the dangerous situation that could result due to the activity. Enbridge transports large quantities of liquid hydrocarbons, under high-pressure, through its pipelines and the possibility of damage to the pipeline represents a real threat to public safety and to the environment.

The unauthorized activity was a direct violation of the North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System which states:

*7. "Excavation" means any operation in which earth, rock, or other materials in or below the ground is moved or otherwise displaced by means of hand or power tools, power equipment, or explosives and includes grading, trenching, digging, ditching, drilling, augering, tunneling, boring, scraping, and cable or pipe plowing and driving.*

*The term does not include: a. Opening a grave in a cemetery. b. 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. c. Gardening and landscaping unless it disturbs the soil to a depth of twelve inches [30.48 centimeters] or more. d. Normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch. e. Normal repair and maintenance of track and track bed by a railroad on its own right of way.*

*"Excavator" means a person who conducts excavation.*

.....

*49-23-04. Excavation. 1. Except in an emergency, an excavator shall contact the notification center and provide an excavation or location notice before beginning any excavation. An excavation begins the first time excavation occurs in an area that was not previously identified by the excavator in an excavation notice.*

.....

*4. An excavator may begin excavation in a location when the excavator has received notice that all facilities have been located or cleared or at the expiration of the location period or extension of the location period.*

.....

Enbridge has decided to report these violations of North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System to the North Dakota Public Service Commission who will conduct their own investigation into this event.

Because your safety is important to us, we want to remind you of the following safe excavation and vehicle crossing practices:

- Always place a free call to 811 or an online request through [www.clickbeforeyoudig.com](http://www.clickbeforeyoudig.com) at least 2-3 business days before you dig.
- Always seek permission of underground facility owners when excavating near the pipeline right-of-way.
- Always seek permission of underground facility owners before crossing rights-of way with vehicles.
- Wait the required amount of time for the underground utilities to be marked.
- Safely excavate around the marks.
- An Enbridge representative must be onsite for excavation or vehicle crossing activity on or near our pipeline right-of-way. Arrangements will be made after the One Call is placed.

If you strike an Enbridge pipeline, even if you do not believe you have caused damage, report it to Enbridge immediately by calling our emergency number at 1-800-858-5253 which is on any pipeline marker.

Should it be necessary to carry out any future construction, installation, excavation, or operation of vehicles across Enbridge's Pipelines, or within 100 feet of Enbridge's Pipelines, you, or anyone working on your behalf must notify Enbridge prior to commencement.

Information on how to excavate safely near Enbridge's pipelines can be found online at [www.enbridge.com/publicawareness](http://www.enbridge.com/publicawareness) and at <https://farmsafe811.org/>. If you are interested in a visit from an Enbridge representative or need further information, please contact us at [damage.prevention@enbridge.com](mailto:damage.prevention@enbridge.com).

Sincerely,



Chad Mosser  
Supervisor Minot Operations  
2625 Railway Avenue  
Minot ND 58703

CC:

Ryan Nelson  
Damage Prevention Program Specialist  
7701 France Ave S, Suite 600  
Edina, MN 55435

Arrow Roustabout Service  
Attn: Scott Thompson  
290 4<sup>th</sup> St. E  
Westhope, ND 58793

Farden Construction Inc.  
Attn: Todd Farden

9035 County Rd 17B  
Maxbass, ND 58760













10:35

LTE 92

Done

Item Location



10 m  
50 ft

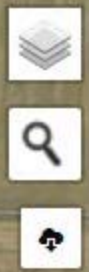
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AA irth.com





48.7686 -100.9248



AMERADA - HERMRY

AMERADA - STAIR

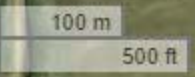
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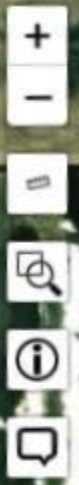
AMERADA - STAIR T-2

93rd St NW

93rd St NW

93rd St NW





S Westhope Main from Newburg Dalorme Points

93rd St NW

93rd St NW

93rd St NW

100 m  
500 ft

Folder: Midwest - Minot; Assigned To: N/A

NORTH DAKOTA ONE CALL

NOTICE OF INTENT TO EXCAVATE      LORQ ROUTINE      CANCELLATION  
Send To: NDP02      Seq No: 4      Map Ref:

Request #: 24044295  
Link To Tkt: <https://nd.itic.occinc.com/3CV4-DFU-C62-9NG>

Original Call Date: 05/17/24      Time: 2:35 PM CT      Type: WEB  
Transmission Date : 05/20/24      Time: 4:05 PM CT  
Work to Begin Date: 05/22/24      Time: 12:01 AM CT

----- Work Information -----

Location: County: BOTTINEAU  
City / Place : KANE TWP      City Limits: N  
Address / Street : 0 93RD ST NW  
Near Intersection: 9TH AVE NW

CallerTwp: 161N Rng: 79W    Sect-Qtr: 16-SE  
Map Twp: 161N Rng: 79W    Sect-Qtr: 21-NW-NE,16-SW-SE

ExcavationType: Depth: 8FT      Explosives: N      Tnling/Boring: N  
White lining/site identification: MAP

Type of Work : FLOWLINE REPAIR

Extent of Work: FROM THE INTERSECTION OF 93RD ST NW & 9TH AVE NW DRIVE WEST  
1/2 MILE TO THE O-709 AH WELL. MARK TO THE NORTHWEST TO SATELLITE 9.  
FLOWLINE LEAK AT THE WHITE FLAGGED AREA. PLEASE MARK A RADIUS OF 100  
FT OF WHITE FLAGS  
CANCELED DUE TO UPDATE

Remarks: ADDITIONAL TRSQ: T-161N R-79W S-16SW,T-161N R-79W S-21NE,T-161N R-79W  
S-21NW

----- Caller Information -----

Company : FARDEN CONSTRUCTION INC      Call Back:  
Address : 9035 COUNTY RD 17B; MAXBASS, ND 58760  
Email : fardenconstruction@srt.com  
Work For : COBRA OIL & GAS  
Contact Name: BETH HALL      Phone : 701-268-3127  
Type : CONTRACTOR  
Alt. Name : MATT KERSTEN      Alt Phone: 701-263-7050

----- Members Notified -----

ALLSEA01= ALL SEASONS WATER USERS A      COBRA01 = COBRA OIL & GAS CORP.  
NCENTL01= NORTH CENTRAL ELECTRIC CO      NDP02 = NORTH DAKOTA PIPELINE COM  
SOURIS01= SOURIS RIVER TELECOMMUNIC

----- Location Information -----

Number of Excavation Locations: 1  
Coordinates for each location:  
Latitude      Longitude      Latitude      Longitude      Latitude      Longitude  
Polygon 1  
(48.7688470, -100.9172776) (48.7689602, -100.9132007) (48.7626804, -100.9129432)  
(48.7618035, -100.9141019) (48.7616903, -100.9161189) (48.7618600, -100.9179214)

**Audit History:**

**5/20/2024 4:05:30 PM:** Received

*DETAILS:* Ticket received for registration code NDP02

**5/20/2024 4:05:30 PM:** Put in Folder

*DETAILS:* Put in Midwest - Minot by auto process

*NOTE:* Auto Processed per All Tickets

**5/21/2024 7:44:41 AM:** Responded

*DETAILS:* Not Marked: added by Larry Stone, Locate Time: 5/21/2024 7:44:21 AM

*NOTE:* Excavator Education Topic Discussed: Appropriate Response ticket had wrong locate area. they put in new ticket.

**5/21/2024 7:44:46 AM:** Positive Response to Excavator Queued

*DETAILS:* Positive Response to Excavator queued for delivery

**5/21/2024 7:50:28 AM:** Positive Response to Excavator Delivered

*DETAILS:* Positive Response to Excavator successfully sent to fardenconstruction@srt.com

Folder: Midwest - Minot; Assigned To: N/A

NORTH DAKOTA ONE CALL

NOTICE OF INTENT TO EXCAVATE LORQ MODIFY UPDATE
Send To: NDP02 Seq No: 5 Map Ref:

Request #: 24045884 Original #: 24044295 Update No : 1
Link To Tkt: https://nd.itic.occinc.com/S9AU-V64-DFJ-25S

Original Call Date: 05/20/24 Time: 4:04 PM CT Type: WEB
Transmission Date : 05/20/24 Time: 4:05 PM CT
Work to Begin Date: 05/23/24 Time: 12:01 AM CT

Work Information

Location: County: BOTTINEAU
City / Place : KANE TWP City Limits: N
Address / Street : 0 93RD ST NW
Near Intersection: 9TH AVE NW

CallerTwp: 161N Rng: 79W Sect-Qtr: 16-SW
Map Twp: 161N Rng: 79W Sect-Qtr: 21-NW-NE,16

ExcavationType: Depth: 8FT Explosives: N Tnling/Boring: N
White lining/site identification: MAP

Type of Work : FLOWLINE REPAIR

Extent of Work: FROM THE INTERSECTION OF 93RD ST NW & 9TH AVE NW DRIVE WEST
1/2 MILE TO THE O-709 AH WELL. MARK TO THE NORTHWEST TO SATELLITE 9.
FLOWLINE LEAK AT THE WHITE FLAGGED AREA. PLEASE MARK A RADIUS OF 100
FT OF WHITE FLAGS

Remarks: ADDITIONAL TRSQ: T-161N R-79W S-16SW,T-161N R-79W S-21NE,T-161N R-79W
S-21NW UPDATE: EXPANDING TO THE WEST TO INCLUDE THE BATTERY >>
ADDITIONAL TRSQ: T-161N R-79W S-16NE,T-161N R-79W S-16NW,T-161N
R-79W S-16SE,T-161N R-79W S-21NE,T-161N R-79W S-21NW

Caller Information

Company : FARDEN CONSTRUCTION INC Call Back:
Address : 9035 COUNTY RD 17B; MAXBASS, ND 58760
Email : fardenconstruction@srt.com
Work For : COBRA OIL & GAS
Contact Name: BETH HALL Phone : 701-268-3127
Type : CONTRACTOR
Alt. Name : MATT KERSTEN Alt Phone: 701-263-7050

Members Notified

ALLSEA01= ALL SEASONS WATER USERS A COBRA01 = COBRA OIL & GAS CORP.
NCENTL01= NORTH CENTRAL ELECTRIC CO NDP02 = NORTH DAKOTA PIPELINE COM
SOURIS01= SOURIS RIVER TELECOMMUNIC

Location Information

Number of Excavation Locations: 1
Coordinates for each location:
Latitude Longitude Latitude Longitude Latitude Longitude
Polygon 1
(48.7616724, -100.9158400) (48.7613612, -100.9220627) (48.7685180, -100.9248522)
(48.7707808, -100.9243801) (48.7703000, -100.9133080) (48.7619836, -100.9127930)

Audit History:

5/20/2024 4:06:10 PM: Received

DETAILS: Ticket received for registration code NDP02

5/20/2024 4:06:10 PM: Put in Folder

*DETAILS:* Put in Midwest - Minot by auto process

*NOTE:* Auto Processed per All Tickets

**5/21/2024 8:14:36 AM:** Attachment Added

*DETAILS:* Attachment added by Larry Stone

**5/21/2024 8:15:02 AM:** Attachment Added

*DETAILS:* Attachment added by Larry Stone

**5/21/2024 8:15:09 AM:** Attachment Added

*DETAILS:* Attachment added by Larry Stone

**5/21/2024 8:15:29 AM:** Attachment Added

*DETAILS:* Attachment added by Larry Stone

**5/21/2024 8:15:37 AM:** Attachment Added

*DETAILS:* Attachment added by Larry Stone

**5/21/2024 8:15:43 AM:** Attachment Added

*DETAILS:* Attachment added by Larry Stone

**5/21/2024 12:59:37 PM:** Responded

*DETAILS:* No Conflict (Field): added by Larry Stone, Locate Time: 5/21/2024 12:57:27 PM

*NOTE:* Excavator Education Topic Discussed: Appropriate Response  
after getting the correct area to be located on a new ticket we are over 300ft to the east.

*EXCAVATOR POSITIVE RESPONSE NOTES:*

no digging within 20' of our line. the locate area is bigger than needed and we should be over 300ft to the east. any questions please call larry stone 701-509-7095

**5/21/2024 12:59:43 PM:** Positive Response to Center Queued

*DETAILS:* Positive Response to Center queued for delivery

**5/21/2024 12:59:43 PM:** Positive Response to Excavator Queued

*DETAILS:* Positive Response to Excavator queued for delivery

**5/21/2024 1:00:01 PM:** Positive Response to Center Delivered

*DETAILS:* Positive Response to Center successfully sent

**5/21/2024 1:06:05 PM:** Positive Response to Excavator Delivered

*DETAILS:* Positive Response to Excavator successfully sent to fardenconstruction@srt.com

**5/21/2024 1:10:01 PM:** Positive Response Result

*DETAILS:* Success