



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
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Julie Fedorchak

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
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Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

**RESPONSE REQUIRED BY
OCTOBER 4, 2024**

September 12, 2024

Todd Farden
Farden Construction, Inc.
9035 County Rd 17B
Maxbass ND 58760

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 Farden Construction, Inc. received by the North Dakota Public Service Commission (Commission) on June 13, 2024, from North Dakota Pipeline Company LLC, Edina, Minnesota, Case Number DM-24-235. The location is identified in the complaint.

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 October 4, 2024**, with your written account of the event, including the applicable One-Call locate ticket number(s) for work performed at the location identified in the complaint 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 Farden Construction, Inc., which may result in a civil 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

Enclosure: North Dakota One-Call Complaint



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) Farden Construction Inc			
Contact Person Todd Farden	Email Address fardenconstruction@srt.com	Telephone Number 701-268-3127	
Mailing Address 9035 County Road 17B	City Maxbass	State ND	Zip Code 58760

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 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 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: 46.53556823 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). <ol style="list-style-type: none"> 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. 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. 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. 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. 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. 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. 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. 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. 		

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, fax to 701-328-2410, or mail to: Public Service Commission
600 E. Boulevard Ave. Dept 408
Bismarck, ND 58505-0480

Bauske, Shelly A.

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

ENBRIDGE

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

Farden Construction Inc.
Attn: Todd Farden
9035 County Rd 17B
Maxbass, ND 58760

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

Dear Todd,

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.

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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.

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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 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 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.

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 4th St. E
Westhope, ND 58793

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











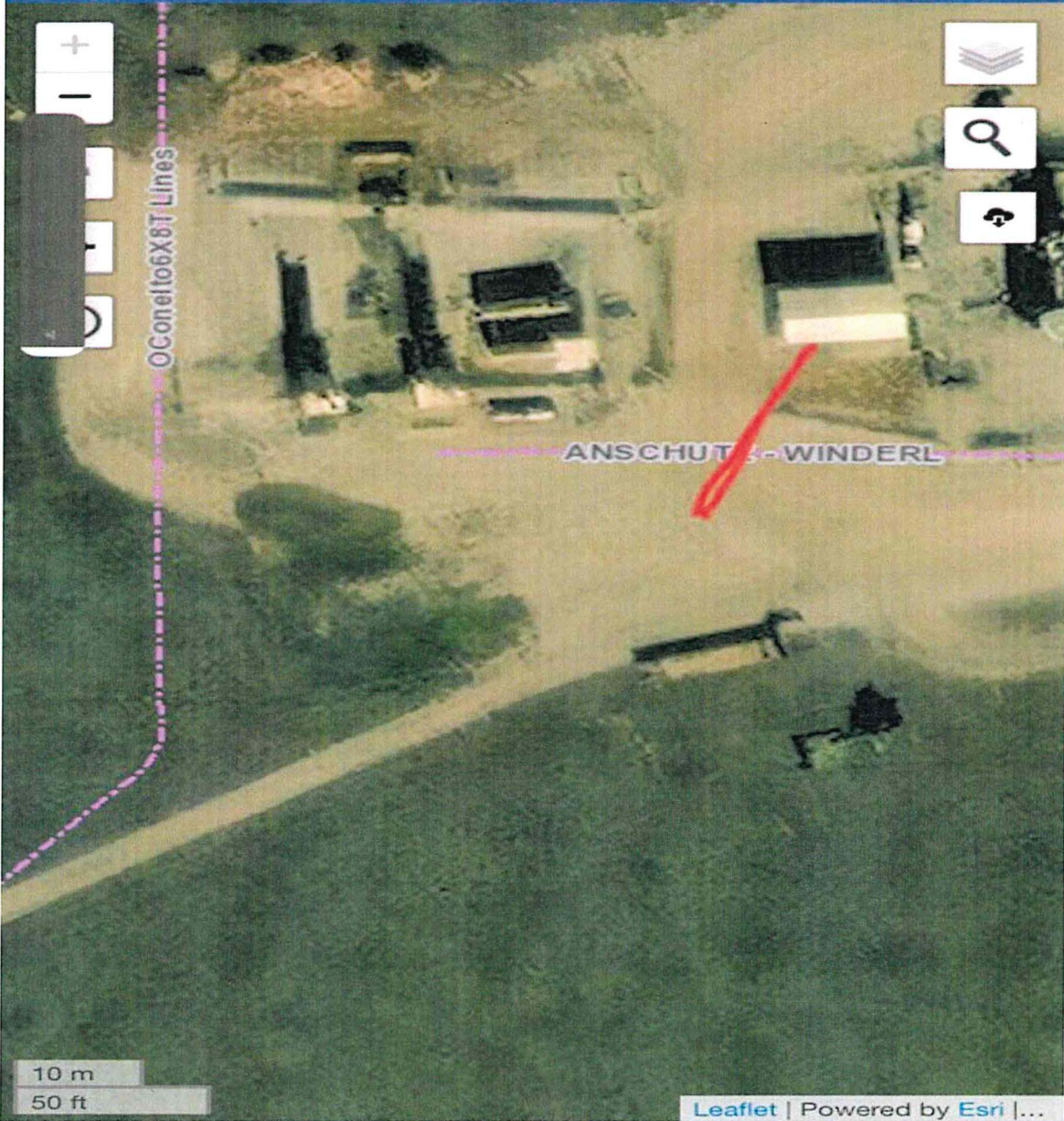


10:35

LTE 92

Done

Item Location



10 m
50 ft

Leaflet | Powered by Esri | ...

AA

irth.com



48.7686 -100.9248



AMERADA - HERMRY

AMERADA - STAIR

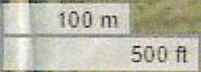
S Westhope Main from Newburg DeLorme Points

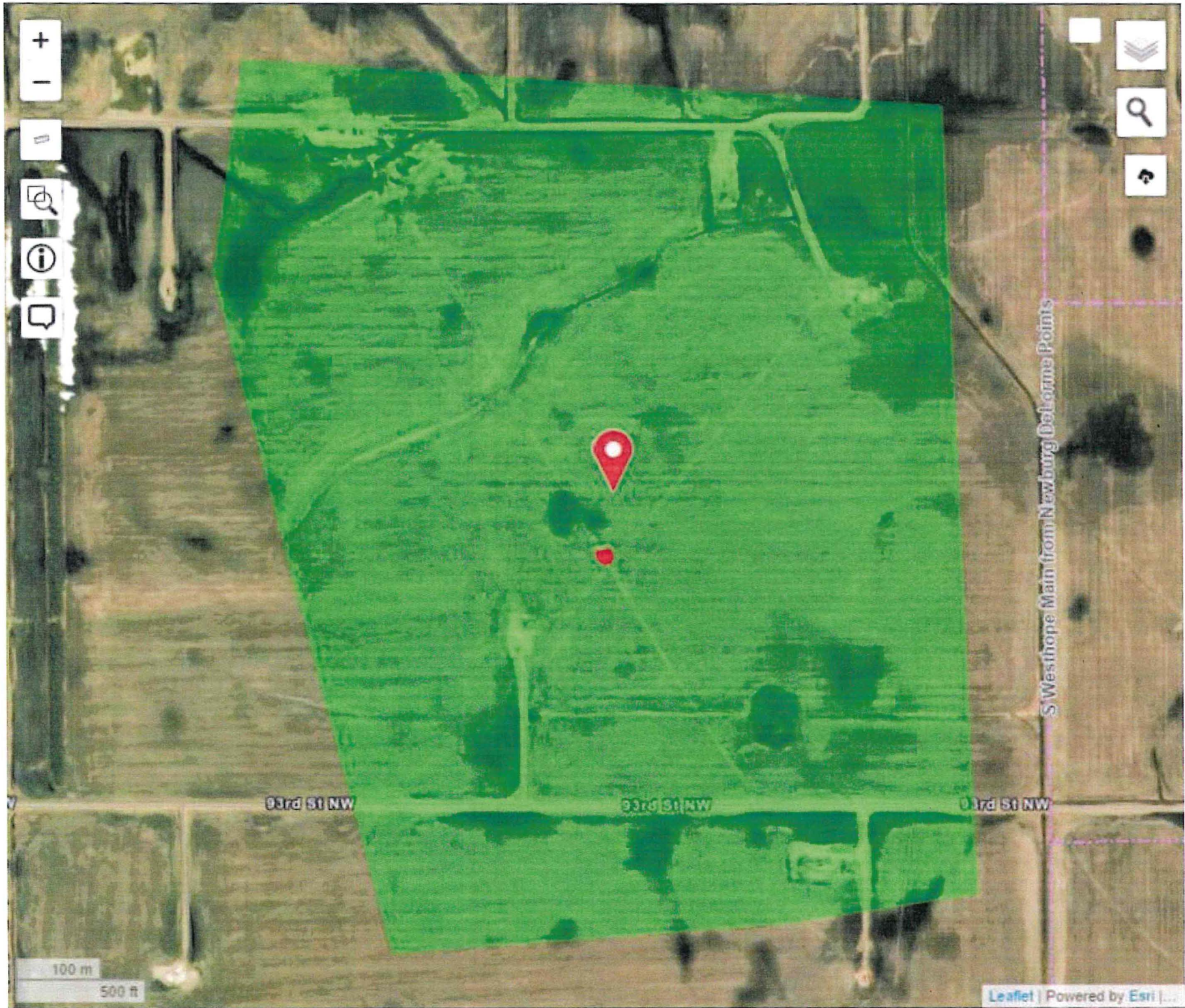
AMERADA - STAIR T-2

93rd St NW

93rd St NW

93rd St NW





93rd St NW

93rd St NW

93rd St NW

S Westhope Main from Newburg Delorme Points

100 m
500 ft

Leaflet | Powered by Esri | ...

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-255>

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