

December 11, 2024

Director, Compliance Division  
North Dakota Public Service Commission  
600 East Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480

Mr. Konrad Crockford,

I am respectfully responding to your letter dated December 5<sup>th</sup> 2024, regarding N.D.C.C. 49-23 and case numbers DM-24-337, DM-24-338, DM-24-339, and DM-24-340.

At BEK, before starting any project, we are vigilant in not only calling in our locates, it is the first step of our thorough process, a process we show much consideration, often communicating with and walking through the sites with locators, as well as requiring our foreman to walk the areas to be excavated each day with our laborers and operators, prior to breaking ground or continuing on with current excavations.

We quite religiously employ the methods of using Vac Trucks, Potholing, as well as constant evaluation and regulation (Slowing down of our staff) in an attempt to avoid any mishaps, both to avoid injury and to limit or completely avoid damage to property, namely in this case, underground utilities.

I would like to take a moment to address how our company operates as it pertains to N.D.C.C. 49-23 as it is the basis of this complaint and your request from us.

(49-23-03)

Firstly, and obviously, we are a member of and participant in the notification center and have been since our inception.

(49-23-04)

We employ administrative staff specifically for the purposes of project management, project operation, project coordination, and project safety. In addition to these, we also employ crew superintendents as well as crew foreman for direct and continuous supervision.

Sections 1 through 7 of this code are addressed and carried out through a culmination of each of these staff members and I would contend that there was no violation to N.D.C.C. in regard to this section.

3 DM-24-337 Filed 12/12/2024 Pages: 13  
Response to North Dakota One-Call Complaint

BEK Consulting LLC

3 DM-24-338 Filed 12/12/2024 Pages: 13  
Response to North Dakota One-Call Complaint

BEK Consulting LLC

3 DM-24-339 Filed 12/12/2024 Pages: 13  
Response to North Dakota One-Call Complaint

BEK Consulting LLC

3 DM-24-340 Filed 12/12/2024 Pages: 13  
Response to North Dakota One-Call Complaint

BEK Consulting LLC

(49-23-05)

In reference to DM-24-337, this was a very old and obsolete curbstop-style gas line. Therefore, the line was just at the surface of grade, where it was affected during general road work, asphalt, and curb and gutter removal. Not to say the line was not marked, but it not something we typically see.

In reference to DM-24-340, this was a line that varied in depth as it proceeded around an established tree near a structure. The crew expected it followed the 18 inch depth standard, when in reality it had been raised to approximately 12 inches. 6 inches off of the perceived depth.

The contractor has the responsibility to protect and mitigate any damage to existing utilities. In that same standard, utility companies have the responsibility to meet certain requirements while installing those same utilities.

(49-23-06)

In reviewing sections one and two of this section of N.D.C.C. I would contend that BEK Superintendents and Foreman took the proper and necessary steps to ensure the safety of the employees and general public, while satisfying the provisions of 49-23-06 sections one and two.

In addition to these statements, we at BEK saw the need to mitigate any further incidents at this site while sending a message to our staff for their well-being and accountability. Even though this was a very difficult installation, with approximately 250 crossings in under 2000 feet, and areas of very poor soil quality, we felt it was best for this crew to take seven days of unpaid leave to rest and regain their faculties before continuing on at their next few projects, which went on without incident.

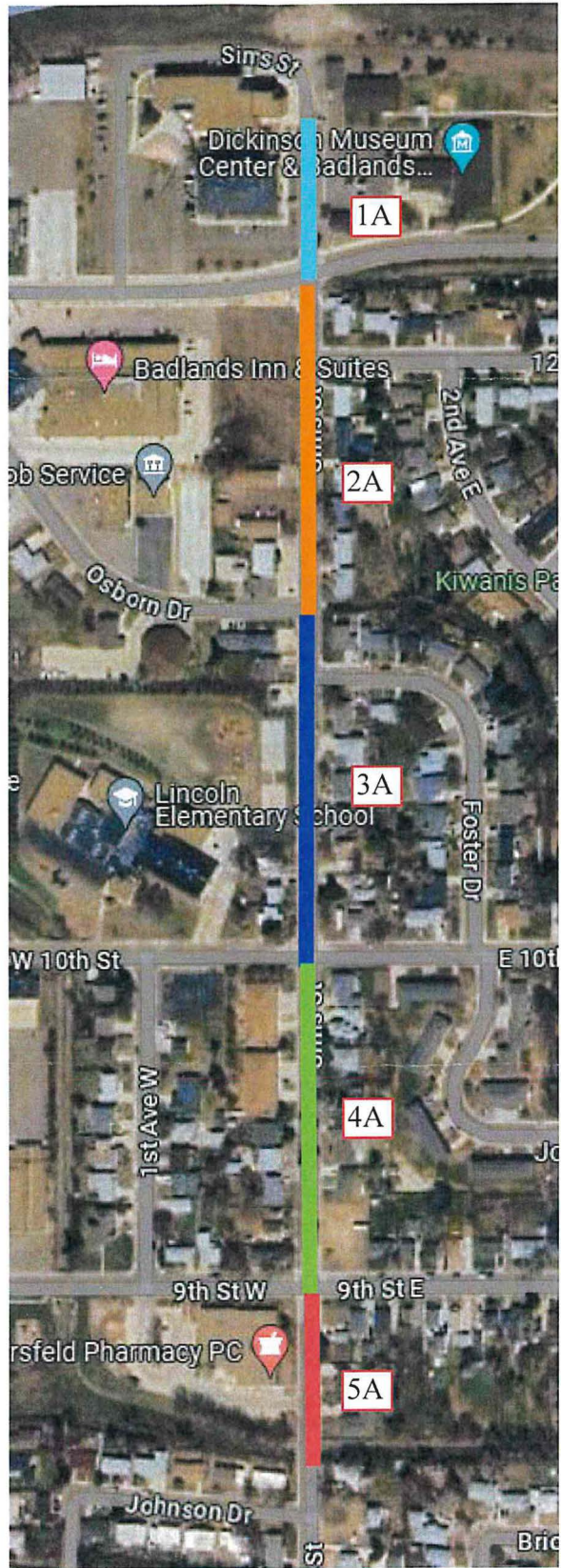
A second BEK crew was brought in and completed the rest of the installation in question flawlessly, before a third BEK crew came in and completed the overlay portion of the project, again without incident.

In light of the nearly 260 crossings in this small area, we hope that the P.S.C. will take into account the complexity of this project and the efforts of the crew to do the best they could.

If you have any more questions, or are in need of any further information, please contact me at your convenience.

Corey Lee

Safety Manger



2405 -Dickinson Sims St Improvements 2024							
Area	Original Ticket #	Date Called In	Next Time to Update	UPDATED Ticket #	Date Updated	Next Time to Update	Area
1A	24052740	5/30/2024	6/13/2024	24079397	7/8/2024	7/22/2024	1A
2A	24052741	5/30/2024	6/13/2024	24079396	7/8/2024	7/22/2024	2A
3A	24052744	5/30/2024	6/13/2024	24079399	7/8/2024	7/22/2024	3A
4A	24052742	5/30/2024	6/13/2024	24079398	7/8/2024	7/22/2024	4A
5A	24052743	5/30/2024	6/13/2024	24079400	7/8/2024	7/22/2024	5A
							Osborne Dr

2405 -Dickinson Sims St Improvements 2024

UPDATED Ticket #	Date Called In	Next Time to Update	UPDATED Ticket #	Date Updated	Next Time to Update
24092456	7/25/2024	8/8/2024	24102409	8/8/2024	8/22/2024
24092457	7/25/2024	8/8/2024	24096976	7/31/2024	8/14/2024
24088046	7/19/2024	8/2/2024	24096977	7/31/2024	8/14/2024
24092458	7/25/2024	8/8/2024	24102407	8/8/2024	8/22/2024
24092459	7/25/2024	8/8/2024			1/14/1900
24096979	7/31/2024	8/14/2024	24102408	8/8/2024	8/22/2024

2405 -Dickinson Sims St Improvements 2024

Area	UPDATED Ticket #	Date Called In	Next Time to Update	UPDATED Ticket #	Date Updated
1A	24105608	8/13/2024	8/27/2024	24108549	8/19/2024
2A	24102405	8/8/2024	8/22/2024	24108550	8/19/2024
3A	24102406	8/8/2024	8/22/2024	24111690	8/22/2024
4A	24111688	8/22/2024	9/5/2024	24121100	9/6/2024
5A			1/14/1900		
Osborne Dr	24111689	8/22/2024	9/5/2024	24121099	9/6/2024
Museum Access Rd	24103132	8/9/2024	8/23/2024	24111687	8/22/2024
Intersection of Sims & Museum	24109603	8/20/2024	9/3/2024	24110482	8/21/2024

2405 -Dickinson Sims St Improvements 2024

Next Time to Update	Area	UPDATED Ticket #	Date Called In	Next Time to Update	UPDATED Ticket #	Date Update
9/2/2024	1A	24117278	8/30/2024	9/13/2024	24118580	9/3/2024
9/2/2024	2A	24117279	8/30/2024	9/13/2024	24127854	9/16/2024
9/5/2024	3A	24121101	9/6/2024	9/20/2024		
9/20/2024	4A			1/14/1900		
1/14/1900	5A			1/14/1900		
9/20/2024	Osborne Dr			1/14/1900		
9/5/2024	n Access Rd	24117280	8/30/2024	9/13/2024		
9/4/2024	& Museum	24111681	8/22/2024	9/5/2024	24112509	8/23/2024

2405 -Dickinson Sims St Improvements 2024					
Next Time to Update	Area	UPDATED Ticket #	Date Called In	Next Time to Update	UPDATED Ticket #
9/17/2024	1A	24122733	9/9/2024	9/23/2024	24123157
9/30/2024	2A	24128813	9/17/2024	10/1/2024	24129756
1/14/1900	3A			1/14/1900	
1/14/1900	4A			1/14/1900	
1/14/1900	5A			1/14/1900	
1/14/1900	Osborne Dr			1/14/1900	
1/14/1900	Museum Access Rd			1/14/1900	
9/6/2024	Intersection of Sims & Museum	24113415	8/26/2024	9/9/2024	24114391

2405 -Dickinson Sims St Improvements 2024						
Date Updated	Next Time to Update	Area	UPDATED Ticket #	Date Called In	Next Time to Update	UPDATED Ticket #
9/10/2024	9/24/2024	1A	24124582	9/11/2024	9/25/2024	24127855
9/18/2024	10/2/2024	2A	24130900	9/19/2024	10/3/2024	24132137
	1/14/1900	3A			1/14/1900	
	1/14/1900	4A			1/14/1900	
	1/14/1900	5A			1/14/1900	
	1/14/1900	Osborne Dr				
	1/14/1900	Museum Access Rd				
8/27/2024	9/10/2024	Intersection of Sims & Museum				

2405 -Dickinson Sims St Improvements 2024						
Date Updated	Next Time to Update	Area	UPDATED Ticket #	Date Called In	Next Time to Update	UPDATED Ticket #
9/16/2024	9/30/2024	1A	24128814	9/17/2024	10/1/2024	24129757
9/20/2024	10/4/2024	2A	24133274	9/23/2024	10/7/2024	24134569
	1/14/1900	3A			1/14/1900	
	1/14/1900	4A			1/14/1900	
	1/14/1900	5A			1/14/1900	
		Osborne Dr				
		Museum Access Rd				
		Intersection of Sims & Museum				
	Armory emergency repari		24136254	9/26/2024	10/10/2024	

2405 -Dickinson Sims St Improvements 2024						
Date Updated	Next Time to Update	Area	UPDATED Ticket #	Date Called In	Next Time to Update	UPDATED Ticket #
9/18/2024	10/2/2024	1A	24130901	9/19/2024	10/3/2024	24132138
9/24/2024	10/8/2024	2A			1/14/1900	
	1/14/1900	3A			1/14/1900	
	1/14/1900	4A			1/14/1900	
	1/14/1900	5A			1/14/1900	
		Osborne Dr				
		Museum Access Rd				
		Intersection of Sims & Museum				

2405 -Dickinson Sims St Improvements 2024						
Date Updated	Next Time to Update	Area	UPDATED Ticket #	Date Called In	Next Time to Update	UPDATED Ticket #
9/20/2024	10/4/2024	1A	24133275	9/23/2024	10/7/2024	24134570
	1/14/1900	2A			1/14/1900	
	1/14/1900	3A			1/14/1900	
	1/14/1900	4A			1/14/1900	
	1/14/1900	5A			1/14/1900	
		Osborne Dr				
		Museum Access Rd				
		Intersection of Sims & Museum				
	emergency repair sims & osborne		24148279	10/14/2024	10/28/2024	

Date Updated	Next Time to Update
9/24/2024	10/8/2024
	1/14/1900
	1/14/1900
	1/14/1900
	1/14/1900