

**BEFORE THE ONE-CALL NOTIFICATION BOARD
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FOR AND NOTICE
BY MINNEHAHA COMMUNITY WATER)	OF HEARING
CORPORATION, DELL RAPIDS, SOUTH)	
DAKOTA, AGAINST R & G CONSTRUCTION,)	
MARSHALL, MINNESOTA)	

On November 15, 1999, the One-Call Notification Board (Board) received a complaint filed by the Minnehaha Community Water Corporation, Dell Rapids, South Dakota (Complainant), against R & G Construction, Marshall, Minnesota (Excavator) regarding alleged acts by the Excavator during July and August, 1999, on a construction project commonly referred to as the Six Mile Road, east of Sioux Falls, South Dakota, which caused repeated damage to underground facilities of the Complainant.

The Board has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-7A, more particularly SDCL 49-7A-12 and these laws shall be involved in this hearing.

A hearing shall be held on January 21, 2000, beginning at 8:00 o'clock A.M., at the Jefferson Room, Ramkota Inn, 2400 North Louise Avenue, Sioux Falls, South Dakota. All persons testifying will be subject to cross-examination by the parties.

The issue at the hearing is whether the Excavator has knowingly violated the provisions of SDCL 49-7A-12 and whether the Excavator shall be ordered to pay a civil penalty of up to one thousand dollars for each violation pursuant to this provision of law.

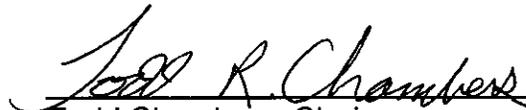
The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Board will consider all evidence and testimony that was presented at the hearing. The Board will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Board shall determine whether the Excavator violated the provisions of SDCL 49-7A-12 and whether the Excavator shall be ordered to pay a civil penalty of up to one thousand dollars for each violation pursuant to this provision of law. The Board's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issue of whether the Excavator violated the provisions of SDCL 49-7A-12 and whether the Excavator shall be ordered to pay a civil penalty of up to one thousand dollars for each violation pursuant to this provision of law.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 13th day of December, 1999.

BY ORDER OF THE BOARD



Todd Chambers, Chairman

PLAINTIFF'S
EXHIBIT
PLAINTIFF'S
EXHIBIT
Case# _____
Case# _____