

**MEMO NOTE**

RESPONSE TO COMPLAINT

Date: 6/20/03

Re: Crooks Municipal Utilities v. Peterson

Our File No.: \_\_\_\_\_

Your File No.: \_\_\_\_\_

Message: Enc. please find the original and 2 copies of the RESPONSE TO COMPLAINT  
in the above entitled matter. We are also sending a copy of the Response to  
Crooks Municipal Utilities on this date.

TO

South Dakota One Call Notification Board  
500 East Capitol Ave.  
Pierre, SD 57501-5070

**RECEIVED**

JUN 23 2003

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

Signed: \_\_\_\_\_

*John P. Abbott*

**ABBOTT & ABBOTT**

Attorneys at Law

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JUN 23 2003

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**RESPONSE TO  
COMPLAINT

IN THE MATTER OF THE COMPLAINT OC03-003  
FILED BY CROOK MUNICIPAL UTILITIES AGAINST  
WADE PETERSON & PETERSON FARMS REGARDING  
A FAILURE TO PROVIDE NOTIFICATION OF  
PROPOSED EXCAVATION AS REQUIRED BY SDCL  
49-7A-5 AND A FAILURE TO PROVIDE  
NOTIFICATION OF DAMAGE TO AN UNDERGROUND  
FACILITY AS REQUIRED BY SDCL 49-7A-12.

Comes now Wade Peterson, by and through his attorney, John P. Abbott and in response to the Complaint of Crooks Municipal Utilities states as follows:

1. The gas line in question is located upon the real property of Mr. Peterson and its location was known to Mr. Peterson. In preparation for the hand digging upon his property Mr. Peterson did not notify South Dakota One Call as he did not realize such action was necessary for a private individual effecting a hand-dug trench upon his own property.

2. The damage to the gas line occurred when closing the trench when a hand tool struck the line. The trench had been dug carefully by hand and the gas line had been located prior to digging by Mr. Peterson as he had personal knowledge of the location of the gas line.

3. Neither Mr. Peterson nor his son-in-law Chad Erickson, who was helping Mr. Peterson with the hand digging knew or realized the gas line has been damaged until it was brought to their attention by an occupant of Mr. Peterson's trailer court.

4. At no time was the damaged line intentionally covered-up to stop the leakage.

5. Immediately upon realizing a leak had occurred, Crooks Municipal Utility was notified and a Northwestern technician repaired the leak.

6. The actual cost of materials was approximately \$17.00 and the technician spent approximately 5 to 10 minutes to repair the line. Mr. Peterson was billed \$367.66 by Crooks Municipal Utility.

7. No itemization of the billing was provided to Mr. Peterson although Mr. Peterson requested an itemized statement.

8. In response the Utility Superintendent, Ginny Beck, wrote to Mr. Peterson and informed him, in part, as follows:

“First of al, the amount asked for by the City of Crooks of \$367.66 is non negotiable.”

“Stopping in to the finance office or requesting me to call you to discuss things is a waste of your time and mine.”

9. Ginny Beck apparently has not approved of the manner in which Mr. Peterson has managed his trailer court and it would appear Ms. Beck has allowed her personal feelings and opinions towards Mr. Peterson to enter into her public duties.

Dated: June 20, 2003.



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John P. Abbott  
Attorney for Wade Peterson and Peterson Farms  
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Brandon, SD 57005