

**LaFramboise Construction Inc.
204 16TH St. N.W.
Watertown, South Dakota 57201**

June 18, 2004

To: south Dakota One Call

I received your letter on June 18, 2004 and after reviewing the allegation my response is this.

Bert Magstad is a proverbial liar. I did not tell him I hopped out of my machine and inspected damage and didn't smell gas.

As you can see by the photos there are a lot of tree roots present. I was working within inches of Fiber Optic 900 pair telephone, 600 pair telephone and either a 100 or 200 pair telephone. As we worked we notified the proper people and worked with caution. As I was blading I encountered what I thought was tree roots and being that close to cables I backed away, moved over and proceeded with caution. The next morning we took the bobcat and tried to remove the tree stumps in the area and found the injured gas line. As I approached my pickup to call the utilities the locator arrived and I showed him the gas line and if you will call 882-6233 and ask the people at the desk they will tell you I have reported every scrape we found on the gas line, every broken road box, or water valve box, and every electric line we encountered. I find Magstad remarks very degrading and if he would shut his mouth long enough I could have explained this to him. As far as the locates, I asked for locates and in a 4 block area they freshened up from 1ST to 3RD n nothing from Maple to 1ST where we were working. The area in question has several young children and the flags last about (at best) one day. All of our grade stakes were removed and the locator showed us one line in particular towards the east end of 4Th by Maple which ran at an angle. This area was marked and pot holed for exposure, and we worked around it with no problems. There were also 3 or 4 other areas where the gas service lines were in our grade that we worked around. When we bid this job it was our belief that all utilities would be lowered or moved. We have 5 blocks to go and I hope it goes well. All of the

utility people we have worked with have been very cooperative and I was under the impression that things were going relatively smooth.

Tom LaFramboise

LaFramboise Construction Inc.

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT?

YES NO

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? YES NO

IS THERE AGREEMENT? YES NO IF NO, PLEASE EXPLAIN: _____

V. DAMAGE (IF ANY)

FATALITIES: Natural Gas Service line INJURIES: n/a LENGTH OF HOSPITALIZATION: n/a

ESTIMATED PROPERTY DAMAGE (\$): 500.00 NUMBER OF CUSTOMERS AFFECTED: 1

DAMAGED IN: PUBLIC PRIVATE (RIGHT-OF-WAY)

PHOTOS OF THE DAMAGED FACILITY? YES NO

ADDITIONAL INFORMATION: Natural gas line was damaged the evening of 5/26/04. Contractor didn't think that he damaged pipe that bad. Pictures show that gas line was kinked and the force even bowed the pipe 5' downstream of hit area. Gas line was leaking at a dresser coupling 20' from house for 12 hours or so. Fortunately, gas did not accumulate and blow up house.

VI. PROBABLE VIOLATION

SPECIFIC STATUTE(S) OR RULE(S) THAT WAS VIOLATED: 49-7A-12 Notification of Damage to Underground Facility - Civil Penalty

ADDRESS/LOCATION OF PROBABLE VIOLATION: 324 S Broadway, Watertown, SD 57201

DATE/TIME OF PROBABLE VIOLATION: estimate: 7:00 pm on 5/26/04

HAVE YOU DISCUSSED THIS PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST: YES NO

IF YES, NAME OF THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION: Tom LaFramboise, owner of LaFramboise Construction

DESCRIPTION OF PROBABLE VIOLATION: LaFramboise Construction was excavating for a street project and hit a gas line. Tom LaFramboise said he hopped out of his equipment after he hit the line and looked at it and didn't smell anything so figured it was not broke. When the line was hit, the force loosened a dresser coupling downstream of the area that was hit. This leak was within 20' of 324 S. Broadway. On the following morning, 5/27/04, at around 8:15 am, one of Watertown Municipal Utility's locators stopped by the project to check up on all of the contractors working this street project and to touch up locating marks. He went to talk to Tom LaFramboise about his work area to make sure everything was marked where he was working. Tom then told our employee about the damaged line, which in turn, our employee called a gas crew and started investigating the damaged line. Fortunately the dresser coupling did not come loose very much, but gas was leaking from the line and the gas could of accumulated if this situation happened over the weekend, possibly causing the house to blow up. The issue I have is he knowingly damaged a gas line and failed to notify the operator, or atleast the One Call, in accordance to 49-7A-12, until the following morning. In fact, if one of our employees didn't stop by the job site, I doubt he would of called it in.