



South Dakota One Call Notification Board

Larry Englerth
Executive Director

1012 North Sycamore Ave.
Sioux Falls, SD 57110

Tel/Fax (605) 339-0529
Email: exedir@sdonecall.com

September 15, 2005

Jim Mann
Montana-Dakota Utilities Co.
PO Box 1060
Rapid City, SD 57709

Vince Finkhouse
dba Eagle Excavating
4201 S. Interstate 90
Rapid City, SD 57703

Under the authority granted by SDCL 49-7A-22, the Enforcement Committee of the South Dakota One Call Notification Board met on August 19, 2005, to determine whether there is probable cause to believe that violations had occurred relative to Complaint OC05-005 filed Montana-Dakota Utilities Company against Vince Finkhouse, dba Eagle Excavating.

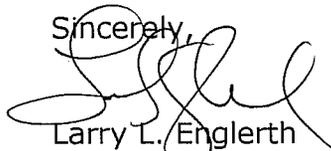
Under SDCL 49-7A-27 either party has the option to accept the recommendations of the Enforcement Committee or reject the recommendations of the Enforcement Committee by requesting a formal hearing on any of the violations alleged in this complaint.

Mr. Finkhouse has not timely responded to the recommendations of the Enforcement Committee. The One Call Notification Board views Mr. Finkhouse's non-response as a non-acceptance of the Enforcement Committee's recommendations.

Therefore, the South Dakota One Call Notification Board will conduct a contested case hearing as set forth in SDCL Chapter 1-26 to resolve the alleged violations in this complaint. Following the hearing, the Board shall render a decision in the matter.

In an effort to facilitate the scheduling of the hearing, I would appreciate if you could provide me, by no later than September 26, 2005, with the name, phone number and email address of the legal counsel that will represent you in this matter. If no response is received, the South Dakota One Call Notification Board will proceed to schedule the required hearing.

Sincerely,



Larry L. Englerth
Executive Director



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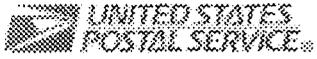
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9/26. left message about meeting -
failure to respond.



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