



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

TO: VINCE FINKHOUSE dba EAGLE EXCAVATING
FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
RE: NOTICE OF COMPLAINT; FAILURE TO ANSWER;

In the Matter of the Complaint OC05-005 filed by Montana-Dakota Utilities against Vince Finkhouse, dba Eagle Excavating, regarding a failure to provide notification of proposed excavation as required by SDCL 49-7A-5; failure to hand dig and expose underground utilities as required by SDCL 49-7A-8; and failure to provide notification of damage to an underground facility as required by SDCL 49-7A-12.

You are hereby notified that your response to the complaint referenced above has not been received by the South Dakota One Call Notification as required by SDCL 49-7A-23 & SDCL 49-7A-24. You were required to answer this complaint, in writing, no later than the close of business on July 29, 2005, by filing the original and two copies of the answer at the address listed below and by serving a copy on the complainant.

South Dakota One Call Notification Board
1012 N. Sycamore Avenue
Sioux Falls, SD 57110-5747

On July 1, 2005 the complaint notice letter was sent by certified mail for which you signed as received on July 14, 2005. On Monday August 1, 2005, you returned a call in response to the voice messages I left on the previous Friday and Saturday, at which time the complete process was reviewed and you agreed to provide a response by Friday, August 5, 2005. No response was received by said date and the Enforcement Committee will proceed with the process to determine if probable cause exists relative to this complaint.

This failure to provide a timely answer to this Complaint could result in a default judgment being issued against you. Appropriate liens and other legal collection actions could result. You are strongly urged to immediately contact Larry Englerth, Executive Director to the South Dakota One Call Notification Board at 605-339-0529 to discuss this issue.

cc: Jim Mann, Montana-Dakota Utilities, Complainant (via email)

Mailed August 6th

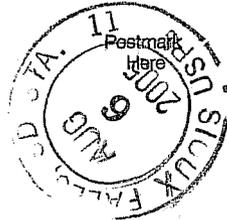
U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER:
2302 240 0001 2390 5372

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

(Please Print Clearly)
Vince Fuchs
4201 S INTERSTATE 90
RAPID CITY, SD. 5703



POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com[®]
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- Priority Mail™ Service
- First-Class Mail® parcel
- Package Services parcel