



Steve Kolbeck, Chair
Gary Hanson, Vice Chair
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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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March 3, 2011

Patricia Van Gerpen
Executive Director, PUC
500 E Capitol Ave
Pierre, SD 57501

Larry Janes
Executive Director, SD One Call
500 E. Capitol Ave
Pierre, SD 57501

Re: CIV10-651 and OC09-005

Dear Ms. Van Gerpen and Mr. Janes;

Lowenberg Technologies was found by the SD One Call Board to have violated the law. Specifically, the Board found the business failed to properly notify SD One Call prior to excavation. Lowenberg Technologies chose not to participate in the process at any time. It ignored opportunities to reply to the allegations and ultimately ignored the penalty assessed by Board. As a result, the PUC was requested, pursuant to 49-7A-28 to bring an action in circuit court to recover the penalty. A default judgment was obtained, and ultimately a writ of execution was served.

I received a telephone call today from Mr. Clair Gerry's office in Sioux Falls. Mr. Gerry represents Lowenberg Technologies. I was informed the business is no longer operational. In fact, I understand the business' assets have been claimed by other creditors.

Although it does not sound at this time as if Lowenberg Technologies will file for bankruptcy, I do not believe attempts to collect the penalty from Lowenberg Technologies will be a success. I recommend the One Call Board cease collection attempts in docket CIV10-651. Collection activities can again be initiated if either the One Call Board or the PUC become aware Lowenberg Technologies resumes business activities.

Sincerely,

Kara Semmler