

Safe digging is no accident. Always call 811 before digging.



**Know what's below.
Call before you dig.**



August 25, 2010

Robert W. Busby
EarthScope
IRIS TA Manager
37 Haynes Avenue
Falmouth, MA 02540

Jeff A. Anderson
Northern Natural Gas Company
1111 South 103rd Street
Omaha, Ne. 68124-1000

Re: OC10-004 Northern Natural Gas Company against EarthScope

Under the authority granted by SDCL-49-7A-22, the Enforcement Committee of the South Dakota One Call Notification Board met on August 24, 2010, to determine whether there is probable cause to believe a One Call violation occurred. The Enforcement Committee's findings are enclosed. You may request a hearing according to SDCL-49-7A-27, if you disagree with the Enforcement Committee findings. If you do request a hearing you must present your case to the One Call Board. **Failure to respond to this notice or request a hearing is considered acceptance of the Enforcement Committee recommendation and your right to hearing is waived.**

If you choose to request a hearing please return the signed and dated form prior to the close of business on September 15, 2010 to:

South Dakota One Call Notification Board
c/o Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

If you have procedural questions relative to this complaint, please contact me at 605-339-0529 or by email at exedir@sdonecall.com. Do Not Contact any members of the South Dakota One Call Notification Board to discuss this complaint since members may be involved in a hearing if one is requested.

Larry L. Janes
Executive Director
South Dakota One Call

ENFORCEMENT COMMITTEE RECOMMENDATION
OC10-004

Northern Natural Gas Company filed a complaint with the Public Utilities Commission on June 29, 2010 against EarthScope alleging that a violation of 49-7A-5 and 49-7A-18 occurred at 43714 232nd Street, Howard, South Dakota at approximately 10:00 am on June 3, 2010. The type of facility involved was a 3" natural gas pipeline under 750 psi. There was no damage.

EarthScope responded on July 29, 2010 and stated that a ticket was filed on June 2nd, and was valid on June 4th. However the work was began the work on June 3rd. EarthScope also stated that the ticket contained the proper address and contact phone.

The Enforcement Committee of the South Dakota One Call Board met on August 24, 2010 and found there is probable cause that EarthScope violated 49-7A-5, by commencing excavation at 43714 232nd Street, Howard, South Dakota without a valid locate request as required by statute.

The Enforcement Committee recommends a penalty of one thousand dollars (\$1,000) with six hundred dollars (\$600) suspended on the following conditions:

1. EarthScope fully complies with SDCL 49-7A and article 20:25 for twelve months following the date of the complaint filing.
2. EarthScope should be aware that any future violation of SDCL 49-7A and article 20:25 within twelve months from the date of the of the final order are subject to additional penalties up to a maximum of \$5,000 under SDCL 49-7A-18.
3. EarthScope must make payment within 30 days of issuance of the final order.

**REQUEST FOR A HEARING
COMPLAINT OC10-004**

**I REJECT THE COMMITTEE RESOLUTION TO COMPLAINT OC10-004
AND REQUEST A HEARING.**

Signature – EarthScope

Date

**I REJECT THE COMMITTEE RESOLUTION TO COMPLAINT OC10-004
AND REQUEST A HEARING.**

Signature –Northern Natural Gas Company

Date

**YOUR REQUEST FOR A HEARING MUST BE SENT TO ALL OTHER
PARTIES INCLUDING:**

**SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
C/O SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
500 E. CAPITOL AVE.
PIERRE, SD 57501-5070**

**Failure to request a hearing results is acceptance of the Enforcement
Committee's recommendation as to the final disposition of this Complaint.**