

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



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



October 28, 2010

Scott Olson  
Scott Olson Digging, Inc.  
1906 Maple Drive  
P.O. Box 1402  
Huron, SD 57350

Sara Greff Dannen  
NorthWestern Corporation dba NorthWestern Energy  
3010 West 69<sup>th</sup> Street  
Sioux Falls, SD 57108

**Re: OC10-007 Northwestern Energy against Scott Olson Digging, Inc.**

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 November 29, 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](mailto: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**  
**OC10-007**

Northwestern Energy filed a complaint with the Public Utilities Commission on September 13, 2010 against Scott Olson Digging, Inc. alleging that a violation of 49-7A-12 occurred at Lincoln Ave NW (nearest intersection: Third Street SD) Huron, South Dakota at approximately 12:00 pm on July 27, 2010. The type of facility involved was a natural gas pipeline 25 to 30 psi that had been struck damaging the 90 degree elbow and pipe where the service turned into the customer's property, and that Northwestern Energy had not been notified as required by 49-7A-12.

Scott Olson Digging, Inc. responded on October 11, 2010 by stating, OC10-007 Call 605-354-2313 to Discuss.

The Enforcement Committee of the South Dakota One Call Board met on October 28, 2010 and found there is probable cause that Scott Olson Digging, Inc. violated 49-7A-12, by damaging and not reporting the damage to Northwestern Energy at Lincoln Ave NW (nearest intersection: Third Street SD) Huron, South Dakota as required by statute.

The Enforcement Committee recommends a penalty of five thousand dollars (\$5,000) with two thousand five hundred dollars (\$2,500.00) suspended on the following conditions:

1. Scott Olson Digging, Inc. fully complies with SDCL 49-7A and article 20:25 for twelve months following the date of the complaint filing.
2. Scott Olson Digging, Inc. 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. Scott Olson Digging, Inc. must make payment within 30 days of issuance of the Final Order.

**REQUEST FOR A HEARING  
COMPLAINT OC10-007**

**I REJECT THE COMMITTEE RESOLUTION TO COMPLAINT OC10-007  
AND REQUEST A HEARING.**

\_\_\_\_\_  
**Signature – Scott Olson Digging, Inc.**

\_\_\_\_\_  
**Date**

**I REJECT THE COMMITTEE RESOLUTION TO COMPLAINT OC10-007  
AND REQUEST A HEARING.**

\_\_\_\_\_  
**Signature –Northwestern Energy**

\_\_\_\_\_  
**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 in acceptance of the Enforcement  
Committee's recommendation as to the final disposition of this Complaint.**