Affidavit of Rick Hoffman

STATE OF SOUTH DAKOTA)
: ss
COUNTY OF BEADLE)

Rick Hoffman, being first duly sworn upon oath, states and alleges as follows:

1) I am the Huron Area Manager for NorthWestern Corporation d/b/a NorthWestern Energy.

2) On July 27, 2010, Kevin Weeldreyer, journeyman gasman for NorthWestern Energy, located our service at the site. Mr. Weeldreyer spoke with Robert King, the employee of Scott Olson Digging, Inc. who was excavating the site, at this time.

3) Because of prior incidents NorthWestern Energy has had with Scott Olson Digging, Inc., Kevin Weeldreyer returned to the locate site at 7:30 A.M. on July 28, 2010. He observed a ¾-inch steel service line had been hit and the tape coat had been scraped off. Part of the service had already been buried at this time, although the area where the damage occurred was still exposed.

4) Scott Olson Digging, Inc. did not notify NorthWestern Energy that they had damaged our facility on July 27, 2010.

5) Attached as Exhibit A is a photograph showing (a) the tape coat scraped off the service pipe (left side of picture) and (b) the 90-degree elbow bent and lifted and the tape coat scraped off. I took this photograph on July 28, 2010.

6) Attached as Exhibit B is a photograph of the 90-degree elbow from another angle. I took this photograph on July 28, 2010.

7) On July 8, 2010, I had spoken with Scott Olson about an issue where one of his employees cut our pre-form guy attachment with a metal saw. At this time I advised Mr. Olson that his employees are not to touch or alter our equipment or utilities.

8) On July 28, 2010, Kevin Weeldreyer and I spoke to Mike Weaver, city engineer for the City of Huron, and Lanny Thomas, city inspector. We advised Mr. Weaver of the issues we have had with Scott Olson Digging, Inc. (a contractor for the City of Huron). We also stressed the importance of NorthWestern Energy being notified when our service is hit or contacted so our personnel can inspect and repair the damage. Lanny Thomas advised us during this meeting that he has seen Scott Olson Digging, Inc. lift or contact our utilities.

Further affiant sayeth naught.

Dated at Huron, South Dakota, this 13th day of September, 2010.

RONALD L. GOGOLIN
Notary Public
SEAL
South Dakota

Rick Hoffman

SUBSCRIBED AND SWORN to before me this 13th day of September, 2010.

Notary Public, South Dakota
My commission expires: July 30, 2016