



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



January 14, 2011

Robert Kohl Construction
12947 BIA Highway 700
Peever, SD 57257-7619

Scott Fritz
Ottertail Power Company
215 South Cascade Street
Fergus Falls, Mn. 56537

Re: OC10-009 Otter Tail Power Company against Robert Kohl Construction

Under the authority granted by SDCL-49-7A-22, the Enforcement Committee of the South Dakota One Call Notification Board met on January 10, 2011, 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. In that case, the recommendation will be Ordered by the SD One Call Board 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 February 15, 2010 to:

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

Be aware, any future violations of any One Call statute or rule within twelve months may be subject to additional penalties up to a maximum of \$5,000. 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 TO THE SOUTH DAKOTA ONE CALL BOARD

OC10-009

Otter Tail Power Company filed a complaint with the Public Utilities Commission on November 29, 2010 against Robert Kohl Construction alleging that a violation of 49-7A-5 occurred at 509 Old Agency St., Sisseton, South Dakota at approximately 12:00 pm on July 27, 2010. The type of facility involved was a secondary electrical line.

Robert Kohl Construction did not respond to the Complaint Notification.

The Enforcement Committee of the South Dakota One Call Board met on January 10, 2011 and found probable cause to believe Robert Kohl Construction violated 49-7A-5, when it failed to notify the South Dakota One Call prior to excavation. Complete minutes from the January 10, 2011 meeting can be found on the SD One Call web site.

The Enforcement Committee recommends the One Call Board assess a penalty of one thousand dollars (\$1,000) with five hundred dollars (\$500.00) suspended on the following conditions:

1. Robert Kohl Construction fully complies with SDCL 49-7A and article 20:25 for twelve months following issuance of the One Call Board Order.
2. Robert Kohl Construction makes payment within 30 days of issuance of the One Call Board Order.

**REQUEST FOR A HEARING
COMPLAINT OC10-009**

**I REJECT THE COMMITTEE RESOLUTION TO COMPLAINT OC10-009
AND REQUEST A HEARING.**

Signature – Robert Kohl Construction

Date

**I REJECT THE COMMITTEE RESOLUTION TO COMPLAINT OC10-009
AND REQUEST A HEARING.**

Signature –Otter Tail Power 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 in acceptance of the Enforcement
Committee's recommendation. In that case, the One Call Board will Order the
recommendation as the final disposition of this Complaint.**