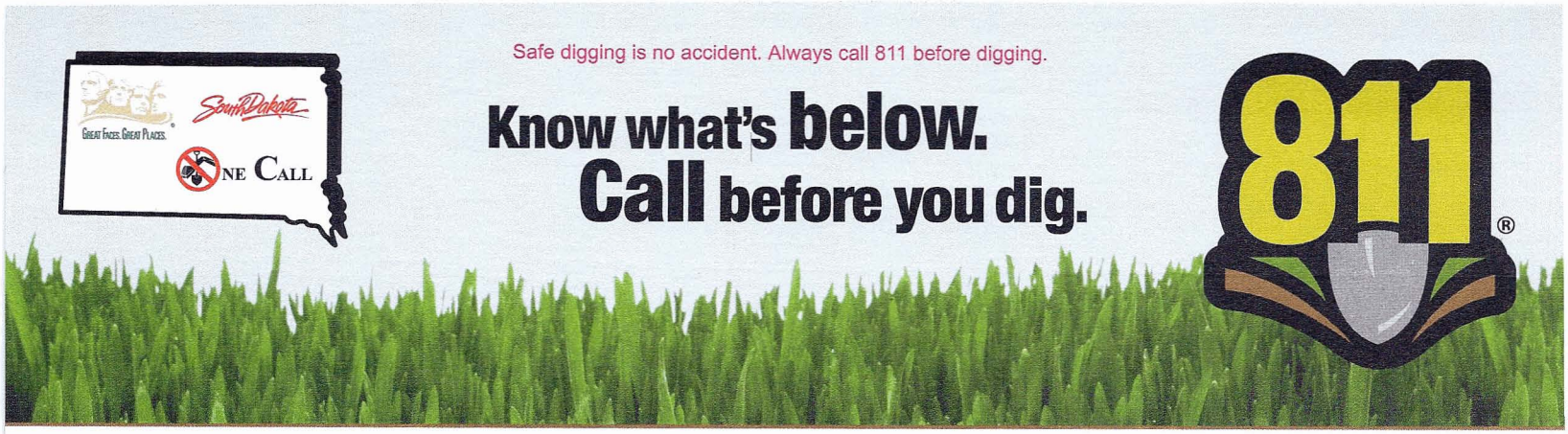

October 6, 2011

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

The South Dakota One Call Notification Board will consider taking legal action on several One Call Complaints at its October 13, 2011 Board Meeting in Ft. Pierre, SD. You are receiving this information because you are involved in one of the complaints to be considered, specifically Complaint Docket OC10-009.

The South Dakota One Call Board issued an Order for payment on February 16, 2011, and did not receive payment of five hundred dollars as required by March 16, 2011. After civil action activity began, it did receive a partial payment on August 30, 2011 of one hundred fifty dollars. Although this was well past the original date, you were given the opportunity to work out a regularly scheduled payment plan. You have not followed through by providing a written schedule of payments and the amount that could be expected each month. I have made several unsuccessful attempts to contact you by calling your home telephone during the day and evening and by calling your now disconnected cell phone which you previously provided.

The decision made by the Board at the October 13th meeting, will be whether or not to pursue collection activity through civil court for the full $1,000 penalty amount. Enclosed is a copy of the Board Meeting Agenda.

Please feel free to contact me with any questions you may have.

Larry L. Janes
Executive Director
South Dakota One Call
(605) 339-0529

cc: Scott Fritz via email

Meeting of the South Dakota One Call Notification Board

October 13, 2011 8:00 AM CDT
Ft. Pierre Holiday Inn Express
110 East Stanley Road
Ft. Pierre, SD

Board Members: Kurt Pfeifle, Mid-Dakota Rural Water System, Chairman; Erin Hayes, Midcontinent Communications, Vice Chairman; Fay Jandreau, Midstate Communications: Todd Chambers, Watertown Municipal Utilities; Kevin Kouba, Otter Tail Power Co; Ed Anderson, SDREA; Doug Larson, Northern Border Pipeline; Dan Kaiser, CenturyLink; Bleau LaFave, Northwestern Energy; Eugene Solseth, Hills Septic Service; Terry Larson, Heavy Constructors; Legal Counsel: Kara Semmler Executive Director: Larry Janes

Agenda

1. Call to Order and Roll Call

2. Approval of Previous Minutes
   a. June 28, 2011 Board Meeting Conference Call

3. Review and Approval of Financial Report
   a. Financial Summary including expenditure details for July 2011 through September 2011.
   b. 2012 Fiscal Year Budget

4. Operations
   a. KorPartners Performance Results
   b. Call volume trends

5. Executive Director Report Items
   a. OC10-009, Ottertail Power Company against Robert Kohl Construction. On February 16, 2011 the South Dakota One Call Board Ordered that the penalty of $1,000, with $500 suspended to be paid within thirty days of issuance of the Order. Payment was not received and collection activity began. A partial payment of $150 was received on August 30, 2011. Shall the Board accept the monthly payments by Mr. Kohl to satisfy the penalty amount minus the suspended portion, or shall the Board now apply the suspended portion of the Enforcement Panel Recommendation?
   b. Complaint Dockets OC10-006, OC10-007, and OC10-008, NorthWestern Energy against Scott Olson Digging, Inc. – Bankruptcy was filed. Collection activity has ceased. Kara Semmler is licensed to practice in the SD Bankruptcy Court and entered SD One Call as a party to the business reorganization. If the court allows reorganization, the One Call debt remains intact and collectable. Does the Board wish to hire outside counsel at this time?
   c. OC10-010, Watertown Municipal Utilities against Stromseth Construction. On February 16, 2011 the South Dakota One Call Board accepted the Enforcement Panel Recommendation of a $1,000 penalty with $0 suspended and a second $1,000 penalty with $0 suspended, because of two alleged violations of SD One Call laws, if payment was received within 30 days of issuance of the Order. No payment was received in March and collection activity began. Payment of $2,000 was received on May 19, 2011.
   d. OC11-002, Complaint against Carlson Excavating by Ottertail Power Company. The Enforcement Panel met and made a recommendation to the Board regarding final disposition of the Docket. Today shall the One Call Board accept the recommendation of the Enforcement Panel and shall the One Call Board Close the Docket?

e. OC11-003, Complaint against Split Rock Contracting, Inc. by NorthWestern Energy. The Enforcement Panel met and made a recommendation to the Board regarding final disposition of the Docket. Today shall the One Call Board accept the recommendation of the Enforcement Panel and shall the One Call Board Close the Docket?
f. OC11-004, Complaint against Oaklane Colony by Nustar Pipeline. The Enforcement Panel met and made a recommendation to the Board regarding final disposition of the Docket. Today shall the One Call Board accept the recommendation of the Enforcement Panel and shall the One Call Board Close the Docket?
g. OC11-005, Complaint against Dakota Excavating by Watertown Municipal Utilities. The Enforcement Panel met and made a recommendation to the Board regarding final disposition of the Docket. Today shall the One Call Board accept the recommendation of the Enforcement Panel and shall the One Call Board Close the Docket?
h. OC11-006, Complaint against Montana Dakota Utilities by Dr. Nathan Kadlec. The Enforcement Panel met and made a recommendation to the Board regarding final disposition of the Docket. Today shall the One Call Board accept the recommendation of the Enforcement Panel and shall the One Call Board Close the Docket?
i. Policy Document. The One Call Board reviewed the South Dakota One Call Board Policy Document at the May 18, 2011 One Call Board Meeting. During the June 28, 2011 One Call Board Conference Call, it was suggested that the following items be included in the Policy Document: "15% of the annual operating expenses shall be held in reserve. This fund shall be used in the event the call center goes out of business, if funds run low and the Board elects not to raise fees, or during the winter when expenses remain high, but revenues are low". Those changes have now been incorporated into the document under "Financials", which replaces the "Rates" heading in the manual. The term "Financials" is used to better identify any future financial items in the Policy Manual. The insurance requirements of the Executive Director discussed at the June 28, 2011 Board Conference Call have also been included in the document. These requirements can be found in the Executive Director section. Today shall the One Call Board approve the South Dakota One Call Process and Procedures document?
j. Insurance Requirements. The Executive Director has been asked to obtain Errors and Omissions insurance in the amount of $1,000,000 and Fidelity Bond insurance in the amount of $100,000. Today shall the Board approve the payment of Errors and Omissions and Fidelity Bond insurance for the Executive Director?
k. Requests have been made to extend the response date of Complaint dockets for purposes of obtaining evidence. Shall the Board grant authority to the Executive Director to extend those dates when requested?
l. Is the Board interested in introducing legislation to allow the Enforcement Panel to ask questions of the parties during the Enforcement Panel meetings?
m. Discussion – PS10-002 - In the Matter of the Filing by Commission Pipeline Safety Staff Regarding Damage Prevention Programs.
n. Legislative Breakfast. Thursday, January 26, 2012 has been reserved to host a legislative breakfast from 7 am to 10:30 am at the Capitol Building in Pierre, SD. Today shall the Board approve a budget for this breakfast?

ANNOUNCEMENTS:

Dinner will be held at the Cattlemen's Club, 29608 SD Hwy 34 at 6:00 PM on October 12, 2011 for members of the South Dakota One Call Board.

Kurt Pfeifle, Fay Jandreau, and Larry Janes will be attending a meeting with Texas811 in Dallas on November 16, 2011.

Common Ground Alliance conference will be held in Las Vegas, March 6th – 8th , 2012.

Materials presented at this meeting are available by contacting the Executive Director in writing at exedir@sdonecall.com or by calling (605) 339-0529.