

BELAIR

EXCAVATING

April 27, 2011

South Dakota One Call Notification Board
C/O Public Utilities Commission
500 East Capital Ave
Pierre South Dakota 57501
Att: Mr. Lawrence Janes

RECEIVED

APR 29 2011

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Subject: Complaint 0C11-001

Mr. Janes:

Please allow this to serve as our response to Mr. Chambers's complaint filed April 13, 2011. As you are aware, a certain tracer wire was damaged in 4 different locations along a 1700 'stretch of pipeline owned by Watertown municipal utilities. The damage appears to be caused by a hydraulic excavator owned by Belair Excavating. It is not our intention to deny liability but rather to accept it and inform you as to the course of action that took place subsequent to that event.

I think it is important to give you some background information on Belair Excavating as well as our commitment to safety.

Belair Excavating History/Safety

Belair Excavating was incorporated in 1953 as a family owned business. It has since remained a small company servicing the 5 state area and Colorado. The company has and continues to receive numerous safety awards from General Contractors as well as local public utility companies. Belair Excavating is the recipient of 5 "William H. Feather awards" from the National Underground Contractors Association.

Belair Excavating employs a full time National Safety Director, Mr. Thomas Ludwig whose duties include jobsite safety as well as weekly tool box and monthly company wide safety meetings. Mr. Ludwig is routinely asked to train employees at the safety meetings of some of our vendors on such topics as; OSHA 10 and 30 hour safety courses, Disaster response, Confined Space Competent Person, Trench Safety Competent Person, and Earthwork Competent Person.

I draw your attention to Belair's safety manual enclosed. Mr. Ludwig authored a large part of this manual and administers periodic testing of its contents at random on Belair employees.

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Equal Opportunity Employer

In short, we take safety and professionalism very serious here at Belair Excavating and for such an incident to happen as the one in Watertown is simply not how we do business. Therefore, on behalf of Belair Excavating I sincerely apologize.

Actions as a result of this incident included termination of operator 2 days after the incident was brought to our attention. The General Superintendent was given a citation (3 citations within the year results in termination).

Actions going forward include but are not limited to a more aggressive approach to out of state rural work crews as it relates to incidents on the job site. All daily checklists (see attached forms packet) must be scanned and emailed to our Minnesota office daily before work begins by the on-site job foreman. Weekly visits to all jobsites will be made by Mr. Ludwig or his designated person.

Mr. Janes, in the 58 years Belair Excavating has been in business we have not had many incidents were employees made mistakes and were terminated. This is one of the few. As you can imagine, particularly in this fragile business environment we simply can't afford to make mistakes the lives and incomes of our employees are at stake. I am available to answer any questions you may have regarding this response letter.

Sincerely,



John E. Stenglein
Office Manager
Belair Excavating
651.717.3003

c: Tom Ludwig National Safety Director
Mark D. Murlowski C.E.O.

Enclosures: as stated