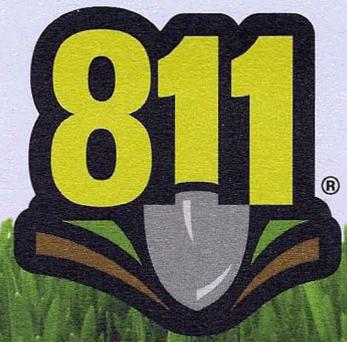




# Know what's below. Call before you dig.



August 14, 2012

Absolute Contracting Service, Inc.  
South Dakota Intrastate Pipeline Co.

Re: Complaint Docket OC12-009

Absolute Contracting Service, Inc rejected the South Dakota One Call Enforcement Panel Recommendation in the Matter of Complaint Docket OC12-009 and requested a hearing.

Unfortunately, Absolute Contracting did not present the entirety of its argument or evidence in its reply to the Complaint. As a result, Board members that participated in the Enforcement Panel call on July 25, 2012 did not have the information Absolute Contracting now argues should change the Panel's Recommendation. The Panel is legally prohibited from searching for evidence and must rely only on the information provided by the parties. By law, the Panel may only base its recommendation on the written documentation provided. Evidence now submitted may have enhanced or changed the outcome. For this reason, the Notice of Complaint urged Absolute Contracting, "to obtain the advice of counsel should you have any legal questions."

The hearing process must follow SDCL 1-26, the Administrative Procedure Act. To contest the Panel Recommendation at a hearing, both parties must be represented by attorneys licensed in South Dakota. The hearing will take place in Pierre, South Dakota, on a date agreed to by both parties and the South Dakota One Call Board. The attorneys representing both sides will make their arguments, evidence will be presented, and witnesses will be called. The Board will act as the jury, but will be allowed to ask questions. Legal Counsel representing the Board will preside over the hearing, and a court reporter will record the hearing. The South Dakota One Call Board will issue a final Order. If either disputes the outcome, the issue may be appealed in Circuit Court.

Please provide the names and contact information of each of your attorneys to: Kara Semmler, Legal Counsel, Public Utilities Commission, 500 East Capitol Avenue, Pierre, SD 57501, [kara.semmler@state.sd.us](mailto:kara.semmler@state.sd.us) at your earliest convenience.

All future communication regarding Complaint Docket OC12-009 should be directed to Ms. Semmler.

Thank you.

  
Larry L. Janes  
Executive Director  
South Dakota One Call

Attachment: Absolute Contracting Service, Inc. Request for Hearing