

Safe digging is no accident. Always call 811 before digging.



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



April 16, 2013

Mr. Nick Menning
Menning Backhoe, LLC
25462 Cornerstone Ave.
Mitchell, SD 57301

Mr. Craig Fergen
NorthWestern Energy.
514 North Main Street
Mitchell, SD 57301
craig.fergen@northwestern.com

Please find attached, a copy of the South Dakota One Call Enforcement Panel conference call Agenda scheduled for Tuesday, April 30, 2013 at 9:00 Central Time, 8:00 Mountain Time. I would encourage you to join the call, but as the Agenda states no comments will be taken from either party at this time. Only the written documentation provided by the complainant and the defendant will be considered, per SDCL 49-7A-25.

If you have any procedural questions, please feel free to contact me.

Thank you.

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

cc: Mr. Fergen via email

AGENDA

South Dakota One Call Notification Board Enforcement Panel Conference Call

Tuesday, April 30, 2013
9:00 AM Central Time, 8:00 AM Mountain Time

The Enforcement Panel of the South Dakota One Call Board will meet to consider the following South Dakota One Call Complaint:

OC13-001 - In the Matter of the Complaint Filed by NorthWestern Energy, Mitchell, South Dakota, against Menning Backhoe, Mitchell, South Dakota, for an Incident occurring on March 28, 2013, at Dakota Sales and Rental on Industrial Road, Corsica, South Dakota.

On March 28, 2013 NorthWestern Energy filed a complaint against Menning Backhoe, alleging that Menning Backhoe dug without a locate ticket, exposing a service wire. NorthWestern believes the wire was exposed with equipment within 18" of the electric service. No damage occurred. Menning Backhoe, LLC responded on April 10, 2013. Menning Backhoe did not dispute the complaint. A locate ticket number was provided with a start date and time of 1/09/2013 at 9:00 am. A copy of the actual ticket was not provided. Mr. Menning stated that in the future Menning Backhoe plans to stay on top of getting re-spots for expired tickets. No previous South Dakota One Call complaints have been filed against Menning Backhoe, LLC.

Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that Menning Backhoe, LLC violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?

Only the written information provided by the Complainant and the written response from the defendant will be considered per SDCL 49-7A-25. No comments from either party involved in the complaint will be taken during this call.

Note: Please call (605) 339-0529 at least 10 minutes prior to the call for call-in instructions. We have limited ports available on the conference bridge, so if you do plan to call in, please conference in on one line.



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