

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



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



April 30, 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

**Re: OC13-001 NorthWestern Energy against Menning Backhoe, LLC**

Under the authority granted by SDCL-49-7A-22, the Enforcement Panel of the South Dakota One Call Notification Board met on April 30, 2013 to determine whether there is probable cause to believe a One Call violation occurred in each of the One Call Complaint Dockets. The Enforcement Panel's findings are enclosed. You may request a hearing according to SDCL-49-7A-27, if you disagree with the Enforcement Panel findings. If you do request a hearing you must be represented by legal counsel at the time you present your case to the One Call Board.

**Failure to respond to this notice or request a hearing is considered acceptance of the Enforcement Panel Recommendation. In that case, the Recommendation will be Ordered by the SD One Call Notification Board and your right to hearing is waived.**

**If you choose to request a hearing you must return the signed and dated form prior to the close of business on May 20, 2013 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 may be subject to additional penalties up to \$5,000 for each subsequent violation that occurs within twelve months of the initial violation. If you

have procedural questions relative to this complaint, please contact me at 605-339-0529 or by email at [exedir@sdonecall.com](mailto: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