May 23, 2013

Professional Excavating
5340 Pine Tree Dr.
Rapid City, SD 57702

Please find attached, a copy of the South Dakota One Call Enforcement Panel conference call Agenda scheduled for Tuesday, June 4, 2013 at 1:00 pm Central Time, 12:00 pm 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. Doy Ousley via email

AGENDA

South Dakota One Call Notification Board
Enforcement Panel Conference Call

Tuesday, June 4, 2013
1:00 PM Central Time, 12:00 PM Mountain Time

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

OC13-002 – In the Matter of the Complaint filed by Montana-Dakota Utilities Company (MDU), Rapid City, South Dakota against Summit Construction (Summit), Rapid City, South Dakota for an incident occurring on March 6, 2013 at 342 Westberry Ct., Rapid City, South Dakota.

On April 10, 2013 MDU filed a complaint against Summit alleging that Summit dug without locates and damaged a 2" plastic gas main. Subsequently a locate ticket was called in, but digging continued into the following day before the 48 hour time start date on the ticket. Summit responded on April 29th and did not dispute the allegation. Summit stated that in the future they will call in for locates before, and if needed, will call in an Emergency locate. There have been no previous South Dakota One Call Complaints filed against Summit.

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

OC13-003 – In the Matter of the Complaint filed by Engbarth Directional Drilling, Inc. (Engbarth), Canistota, South Dakota against CenturyLink, Seattle, Washington , for an incident occurring on February 19, 2013 at 909 E St. Patrick St., Rapid City, South Dakota.

On April 15, 2013, Engbarth filed a complaint against CenturyLink alleging that CenturyLink was unaware of a duct run, and because of that the facility was not marked. Subsequently it was damaged by Engbarth. CenturyLink responded on April 29, 2013 that the marks were correct, and the damage occurred at that location. CenturyLink (Qwest) previously had a complaint filed against it in 2011, which was dismissed for lack of probable cause on October 28, 2011.

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

OC13-004 – In the Matter of the Complaint filed by CenturyLink, Rapid City, South Dakota against Professional Excavating (Professional), Rapid City, South Dakota , for an incident occurring on April 5, 2013 at 406 East North Street, Rapid City, South Dakota.

On April 17, 2013 CenturyLink filed a complaint against Professional alleging that Professional dug directly above located facilities with a track hoe and cut two cables. Professional responded after the

Deadline for Answer, but stated the wires were not located. There have been no previous complaints filed against Professional.

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

OC13-005 – In the Matter of the Complaint filed by Montana-Dakota Utilities Company (MDU), Rapid City, South Dakota against Highmark Inc. (Highmark), Black Hawk, South Dakota , for an incident occurring on April 25, 2013 at the intersection of Sturgis Rd. and Niche Rd., Summerset, South Dakota.

On May 6, 2013 MDU filed a complaint against Highmark alleging that Highmark directional drilled without potholing to determine depth and damaged a 45 psi gas line. Highmark responded on May 23, 2013, stating that it located the depth of the gas line on both sides of the road and accepts responsibility for the damage. There have been no previous complaints filed against Highmark.

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

OC13-006 -- In the Matter of the Complaint filed by Montana-Dakota Utilities Company (MDU), Rapid City, South Dakota against Highmark Inc. (Highmark), Black Hawk, South Dakota , for an incident occurring on May 6, 2013 at 14667 139th Place, Piedmont, South Dakota.

On May 14, 2013 MDU filed a complaint against Highmark alleging that Highmark dug without a locate ticket and damaged a 35 psi gas line. Highmark responded on May 23, 2013 by stating that the work was not associated with his business. He was planting trees in his yard for himself, and that a locate request was not made. There has been one previous complaint filed against Highmark.

Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that Highmark Inc. 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.

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