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

Great Faces. Great Places. South Dakota One Call

Know what's below. Call before you dig.

811®

August 21, 2013

Mr. Casey Wallum
Cleary Building Corp.
517 W. Fourth St.
Dell Rapids, SD 57022

Please find attached, a copy of the South Dakota One Call Enforcement Panel conference call Agenda scheduled for Thursday, August 29, 2013 at 1:30 pm Central Time, 12:30 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. Brad Wenande, via email

AGENDA

South Dakota One Call Notification Board
Enforcement Panel Conference Call
Thursday, August 29, 2013
1:30 PM Central Time, 12:30 PM Mountain Time

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

OC13-013 – In the Matter of the Complaint filed by MidAmerican Energy Company (MidAmerican), Urbandale, Iowa against Sterling Lone Star (Sterling), Lincoln, Nebraska, for an incident occurring on April 08, 2013 at 409 Linden St., Valley Springs, South Dakota.

On July 10, 2013, MidAmerican filed a complaint against Sterling, alleging that Sterling damaged a 48 psi gas line when digging with a post hole digger without a locate request. Sterling responded on July 30, 2013 by stating that this was an unintentional action and did not follow company protocol. Sterling also stated that the contractor should have rescheduled to obtain locates, and that it won't happen again. There have been no previous South Dakota One Call Complaints filed against Sterling.

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

OC13-014 -- In the Matter of the Complaint filed by MidAmerican Energy Company (MidAmerican), Urbandale, Iowa against Select Builders (Select), Harrisburg, South Dakota for an incident occurring on April 18, 2013 at 738 E. El Dorado, Sioux Falls, SD.

On July 10, 2013, MidAmerican filed a complaint against Select, alleging that Select damaged a 48 psi gas line while installing a mailbox with an auger. There were no current locates. Select responded on July 22, 2013 by stating that they did not dispute the allegation and that always call 811 before digging. Select went on to apologize and state they will do everything in their power to never have this happen again. There have been no previous South Dakota One Call Complaints filed against Select.

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

OC13-015 -- In the Matter of the Complaint filed by NorthWestern Energy (NorthWestern), Huron, South Dakota against CenturyLink, Sioux Falls, South Dakota , for an incident occurring on July 17, 2013 at 1210 S. Ohlman St., Mitchell, South Dakota.

On July 23, 2013 NorthWestern filed a complaint against CenturyLink, alleging that CenturyLink did not locate within the time required by South Dakota One Call law. CenturyLink responded to the complaint on August 12, 2013 by admitting that the ticket was not met on time, but that it was due to a medical emergency. It goes on to state that action has been undertaken to ensure that its contractor improve

performance in South Dakota. Similar complaints were filed against CenturyLink on June 28, 2013 and on June 17, 2013.

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?

OC13-016 -- In the Matter of the Complaint filed by NorthWestern Energy (NorthWestern), Huron, South Dakota against CenturyLink, Sioux Falls, South Dakota , for an incident occurring on July 17, 2013 at 1123, S. Anderson St., Mitchell, South Dakota for Locate Ticket 131960200.

On July 23, 2013 NorthWestern filed a complaint against CenturyLink, alleging that CenturyLink did not locate within the time required by South Dakota One Call law. CenturyLink responded to the complaint on August 12, 2013 by admitting that the ticket was not met on time, but that it was due to a medical emergency. It goes on to state that action has been undertaken to ensure that its contractor improve performance in South Dakota. Similar complaints were filed against CenturyLink on June 28, 2013 and on June 17, 2013.

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?

OC13-017 -- In the Matter of the Complaint filed by NorthWestern Energy (NorthWestern), Huron, South Dakota against CenturyLink, Sioux Falls, South Dakota , for an incident occurring on July 17, 2013, at 1125 S. Anderson St., Mitchell, S.D., for Locate Ticket 131960205.

On July 23, 2013 NorthWestern filed a complaint against CenturyLink, alleging that CenturyLink did not locate within the time required by South Dakota One Call law. CenturyLink responded to the complaint on August 12, 2013 by admitting that the ticket was not met on time, but that it was due to a medical emergency. It goes on to state that action has been undertaken to ensure that its contractor improve performance in South Dakota. Similar complaints were filed against CenturyLink on June 28, 2013 and on June 17, 2013.

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?

OC13-018 -- In the Matter of the Complaint filed by NorthWestern Energy (NorthWestern), Huron, South Dakota against Cleary Building Corp. (Cleary), Dell Rapids, South Dakota , for an incident occurring on July, 10, 2013 at 601 Oak St., Springfield, SD.

On July, 26, 2013, NorthWestern Energy filed a complaint against Cleary, alleging that an Emergency locate request was made to install a pole building, which does not meet the criteria for an Emergency

ticket in South Dakota. Cleary did not respond to the Complaint. There have been no previous complaints against Cleary Building Corp.

Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that Cleary Building Corp. 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 Complainants and the written response from the defendants 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