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

Know what's below.
Call before you dig.

August 29, 2013

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

Mr. Brad Wenande
NorthWestern Energy
313 Cedar Street
Yankton, SD 57078

Re: OC13-018 NorthWestern Energy against Cleary Building Corp.

Under the authority granted by SDCL-49-7A-22, the Enforcement Panel of the South Dakota One Call Notification Board met on August 29, 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 September 18, 2013 to:

South Dakota One Call Notification Board
c/o Public Utilitiies 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 . 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

REQUEST FOR A HEARING
COMPLAINT OC13-018

I REJECT THE PANEL RESOLUTION TO COMPLAINT OC13-018 AND REQUEST A HEARING.

_____ _____

Signature – Cleary Building Corp. **Date**

I REJECT THE PANEL RESOLUTION TO COMPLAINT OC13-018 AND REQUEST A HEARING.

_____ _____

Signature – NorthWestern Energy **Date**

<u>YOUR REQUEST FOR A HEARING MUST BE SENT TO ALL OTHER PARTIES INCLUDING:</u>

SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
C/O SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
500 E. CAPITOL AVE.
PIERRE, SD 57501-5070

Failure to request a hearing will result in acceptance of the Enforcement Panel's Recommendation by the South Dakota One Call Board. The Board will then Order the Recommendation as the final disposition of this Complaint.