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

Know what's below.
Call before you dig.

October 30, 2013

Ms. Rebecca Wek
First Dakota Horticulture
46551 264th St.
Sioux Falls, SD 57107

Please find attached, a copy of the South Dakota One Call Enforcement Panel conference call Agenda scheduled for Friday, November 8, 2013 at 2:00 pm Central Time, 1:00 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: Ms. Silicia Boutchee, MidAmerican Energy Company via email

AGENDA

South Dakota One Call Notification Board
Enforcement Panel Conference Call
Location: Midcontinent Communications
410 S Phillips Ave., Sioux Falls, SD (South Conference Room)
Friday, November 8, 2013
2:00 PM Central Time, 1:00 PM Mountain Time

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

OC13-021 - In the Matter of the Complaint Filed by Landscape Garden Centers (Landscape), Sioux Falls, South Dakota, Against Xcel Energy (Xcel), Sioux Falls, South Dakota for an Incident Occurring on September 30, 2013, at 6505 and 6509 S. Vintage Place, Sioux Falls, S.D.

On October 2, 2013 Landscape Garden Centers filed a complaint against Xcel Energy alleging that Xcel had installed a power service line in an irrigation sleeve on September 30, 2013. Xcel responded on October 22, 2013 and stated that it disputes that its use of a pipe allegedly "intended for irrigation" violates any SD One Call statute or rule and that Xcel Energy's facilities were properly marked.

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

OC13-022 - In the Matter of the Complaint Filed by Crooks Municipal Utilities (Crooks), Crooks, South Dakota, Against Thomas Powers (Powers), Renner, South Dakota for an Incident Occurring on September 30, 2013, at 47467 258th St., Renner, S.D.

On October 2, 2013 Crooks filed a complaint against Powers alleging that Powers placed a mail box post without requesting locates. Powers responded on October 17, 2013 admitting that he was told by the Crooks City Office to call for locates.

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

OC13-023 - In the Matter of the Complaint Filed by Northern Natural Gas Company (Northern), Omaha, Nebraska, Against R&R Concrete (R&R), Hartford, South Dakota, for an Incident Occurring on September 30, 2013, at Western Ave., Sioux Falls, S.D.

On October 3, 2013 Northern filed a complaint against R&R alleging that had excavated on September 30, 2013 without requesting locates. R&R disputed the allegation on October 22, 2013 by stating that the work being done was to clean sediment from the top of a concrete fore bay.

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

OC13-024 - In the Matter of the Complaint Filed by MidAmerican Energy Company (MidAmerican), Urbandale, Iowa, Against Ankeny Construction (Ankeny), Yankton, South Dakota, for an Incident Occurring on July 12, 2013, at 3702 Staci Lane, Yankton, S.D.

On October 10, 2013 MidAmerican filed a complaint against Ankeny alleging that Ankeny hit 1/2" plastic gas line on July 12, 2013 with a re-rod stake while installing forms for concrete parking pad without requesting locates. Ankeny responded by stating there was no excavation, that a stake was driven into the ground.

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

OC13-025 - In the Matter of the Complaint Filed by MidAmerican Energy Company (MidAmerican), Urbandale, Iowa, Against First Dakota Horticulture (First Dakota), Sioux Falls, South Dakota, for an Incident Occurring on August 13, 2013, at 221 S. Sixth Ave., Brandon, S.D.

On October 11, 2013 MidAmerican filed a complaint against First Dakota alleging that First Dakota hand dug a hole on August 13, 2013 without requesting locates to replace a tree and hit a gas service line. First Dakota responded on October 21, 2013 and admitted that no locates were requested, violating their company policy. The company has since discussed the issue and reminded all other crew leaders of the policy to call before every dig.

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

OC13-026 - In the Matter of the Complaint Filed by MidAmerican Energy Company (MidAmerican), Urbandale, Iowa, Against Aaron George (George), Tea, South Dakota, for an Incident Occurring on July 24, 2013, at 313 N. Minnesota Ave., Sioux Falls, S.D.

On October 11, 2013 MidAmerican filed a complaint against George alleging that George pulled a gas service out of a gas main with a skid loader without requesting locates. Robert Meadors responded on behalf of George stating the gas line was no more than 6 inches below the surface and that one of MidAmerican's employees had stated that the gas line was not on any records and was unable to locate it.

Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that Aaron George 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
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(605) 339-0529