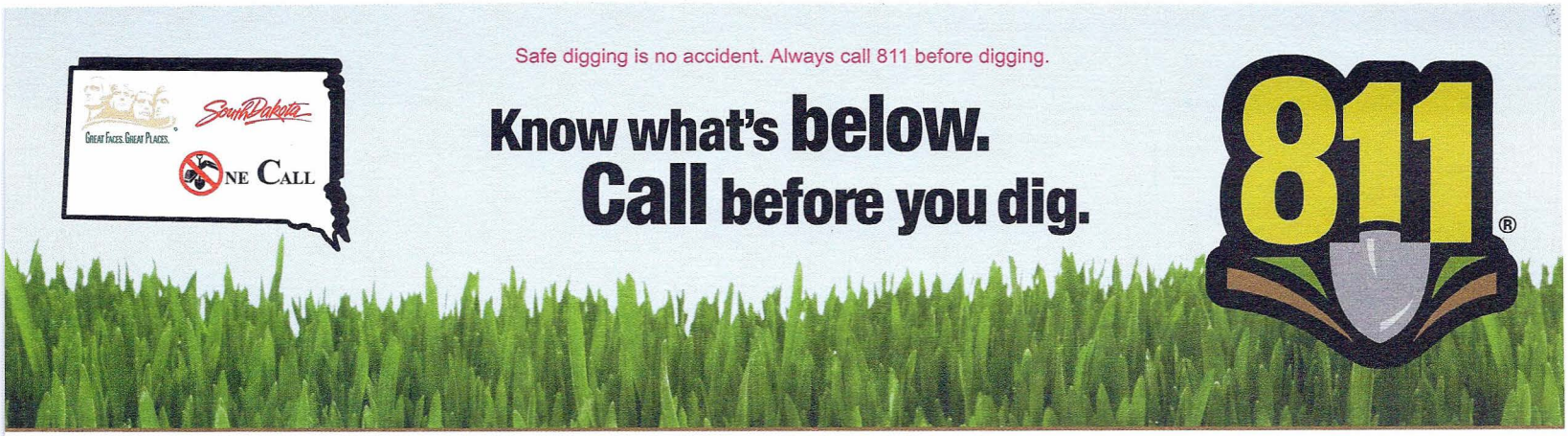

December 10, 2013

Jim Witt, P.E.
RCS Construction
2400 Commerce Rd.
PO Box 9337
Rapid City, SD 57702

Please find attached, a copy of the South Dakota One Call Enforcement Panel conference call Agenda scheduled for Wednesday, December 18, 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. Wade Jutila, Montana-Dakota Utilities Co. via email

AGENDA

South Dakota One Call Notification Board
Enforcement Panel Conference Call
Location: Mid-Dakota Rural Water System, Inc.
608 W 14th Street, Miller SD (Conference Room)
Wednesday, December 18, 2013
1:00 PM Central Time, Noon Mountain Time

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

OC13-027 - In the Matter of the Complaint Filed by Crooks Municipal Utilities (Crooks), Crooks, South Dakota, Against Mitchell Construction (Mitchell), Colton, South Dakota, for an Incident Occurring on October 11, 2013, at 25778 Dawson Ave., Sioux Falls, S.D.

On October 21, 2013 Crooks filed a complaint against Mitchell alleging that Mitchell damaged a 60 psi gas line while excavating under a locate ticket obtained by Haug Steel Construction, which is a violation of 49-7A-5. Mitchell did not respond to the Complaint. No previous complaints have been filed against Mitchell Construction.

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

OC13-028 - In the Matter of the Complaint Filed by MidAmerican Energy Company (MidAmerican), Urbandale, Iowa, Against Stone Hill Construction, Inc. (Stone), Sioux Falls, South Dakota, for an Incident Occurring on August 6, 2013, at 304 W. 3rd St.., Worthing, S.D.

On November 4, 2013 MidAmercian filed a complaint against Stone alleging that Stone damaged a 48 psi gas line on August 6, 2013, while excavating under a locate ticket that had expired on July 29, 2013. Stone did not respond to the Complaint. No previous complaints have been filed against Stone Hill construction.

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

OC13-029 - In the Matter of the Complaint Filed by Montana-Dakota Utilities Co. (MDU), Rapid City, South Dakota, Against RCS Construction, Inc. (RCS), Rapid City, South Dakota, for an Incident Occurring on October 24, 2013, at 1111 Zinc St., Rapid City, S.D.

On November 13, 2013 MDU filed a complaint against RCS Construction, Inc. (RCS) alleging that RCS damaged a 30 psi gas line with a post hole auger while working without a locate request. RCS responded on December 2, 2013 by stating that they did have a locate request, but it had expired on

September 26, 2013. The damage was due to a communication error between the Superintendent and the crew. One previous complaint was filed against RCS Construction, Inc. on May 16, 2012.

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

OC13-030 - In the Matter of the Complaint Filed by Montana-Dakota Utilities Co. (MDU), Rapid City, South Dakota, Against Heavy Constructors, Inc. (Heavy), Rapid City, South Dakota, for an Incident Occurring on October 23, 2013, at 2125 Jackson Blvd., Rapid City, S.D.

On November 19, 2013 MDU filed a complaint against Heavy alleging that Heavy struck a 4 inch, 34 psi gas line. The complaint stated there was a locate ticket requested by Heavy on October, 17, 2013 to install water, but did not provide a locate ticket with the complaint. Heavy responded on 12/06/2013 stating they had no need or reason to locate the pipe due to excavation depth needed to remove the soft spot in the grade. Heavy went on to state there was a valid ticket for water line installation but not for grading operations. Also, there were not markings for the gas line. No locate ticket was provided as evidence. No previous complaints have been filed against Heavy Constructors, Inc.

Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that Heavy Constructors, 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 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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