



South Dakota One Call Notification Board

Larry Englerth
Executive Director

1012 North Sycamore Ave.
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August 22, 2005

Jim Mann
Montana-Dakota Utilities Co.
PO Box 1060
Rapid City, SD 57709

Vince Finkhouse
dba Eagle Excavating
4201 S. Interstate 90
Rapid City, SD 57703

Under the authority granted by SDCL 49-7A-22, the Enforcement Committee of the South Dakota One Call Notification Board met on August 19, 2005, to determine whether there is probable cause to believe that violations had occurred relative to Complaint OC05-005 filed Montana-Dakota Utilities Company against Vince Finkhouse, dba Eagle Excavating.

By a unanimous vote of the Enforcement Committee, the recommended resolutions to the alleged violations included in this complaint were determined to be as follows:

Complaint OC05-005(A)

Alleged Violation of SDCL 49-7A-5 Notification of Proposed Excavation

The Committee found there was probable cause that Vince Finkhouse, dba Eagle Excavating, had violated SDCL 49-7A-5 by commencing excavation at 16630 Elk Horn Road in Piedmont, SD, without providing advance notification to the South Dakota One Call System as required by statute.

The committee recommends a penalty of five hundred dollars (\$500.00) be assessed against Vince Finkhouse, dba Eagle Excavating for this violation.

The committee also found that the conditions cited in the complaint did not meet the requirement to assess additional penalties under SDCL 49-7A-19.

Complaint OC05-005(B)

Alleged Violation of SDCL 49-7A-8 - Marking

A Violation of SDCL 49-7A-8 would require that an underground facility was marked prior to the excavation activity commencing for an excavator to be in violation of this statute. Therefore, the Committee found that probable cause could not be substantiated that Vince Finkhouse, dba Eagle Excavating, had violated SDCL 49-7A-8 by excavating at 16630 Elk Horn Road, Piedmont, SD, without maintaining a minimum horizontal clearance of eighteen inches between a marked underground facility and the cutting edge of any mechanical equipment as required by SDCL 49-7A-8.

Complaint OC05-005(C)

Alleged Violation of SDCL 49-7A-12 Failure to provide notification of damage to an underground facility

The Committee found there was probable cause that Vince Finkhouse, dba Eagle Excavating, had violated SDCL 49-7A-12 by damaging an underground facility at 16630 Elk Horn Road in Piedmont, SD, without providing notice of the damage to Montana-Dakota Utilities or the South Dakota One Call Center.

The committee recommends a penalty of one-thousand dollars (\$1000.00) be assessed against Vince Finkhouse, dba Eagle Excavating for this violation.

The committee also found that the conditions cited in the complaint met the requirement to assess additional penalties under SDCL 49-7A-19.

The committee recommends an additional penalty of five-thousand dollars (\$5000) for this violation.

The findings and recommendation of the Enforcement Committee are summarized on the attached forms.

Under SDCL 49-7A-27 either party may accept the recommendations of the Enforcement Committee or reject the recommendations of the Enforcement Committee by requesting a formal hearing on any of the violations alleged in this complaint. Your decision should be reflected on the third page of the attachments with the header "Acceptance or Rejection by Parties. **Please return the signed and dated form prior to the close of business on September 9, 2005 to:**

South Dakota One Call Notification Board
1012 N. Sycamore Avenue
Sioux Falls, SD 57110-5747

If both parties accept any of the resolutions, the South Dakota One Call Notification Board is required to accept the resolutions and close that violation in the complaint. If either party rejects the Enforcement Committee resolution of any of the alleged violations, the South Dakota One Call Notification Board will conduct a hearing as a contested case under Chapter 1-26 to resolve the alleged violation in this complaint. Following this hearing, the Board shall either render a decision dismissing the violation in the complaint for insufficient evidence or shall impose a penalty pursuant to SDCL 49-7A-18 and/or SDCL 49-7A-19.

Pursuant to SDCL 15-6-55, failure to answer any of the violations alleged in this Complaint could result in a default judgment being issued against you. Appropriate liens and other legal collection actions could result. **You are strongly urged to reply to this Notice in the time frame described above and to obtain the advice of counsel should you have any legal questions.**

If you have any procedural questions relative to this complaint, please contact me at 605-339-0529 or by email at exedir@sdonecall.com. I would request that you do not contact any members of the South Dakota One Call Notification Board to discuss this complaint. Since they may be involved in the Chapter 1-26 hearing to resolve of the complaint, they have been advised by legal counsel to not discuss any pending complaint before the Board.

Sincerely,

Larry L. Englerth
Executive Director



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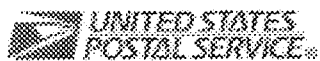
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ENFORCEMENT COMMITTEE ACTION

OC05-005(A)

Montana-Dakota Utilities Co. vs. Vince Finkhouse, dba Eagle Excavating

FINDINGS:

OC05-005(A)

Alleged Violation of SDCL 49-7A-5 Notification of Proposed Excavation

Allegation is made by Montana-Dakota Utilities Co. that Vince Finkhouse, dba Eagle Excavating, commenced excavation at 16630 Elk Horn Road, Piedmont, SD, without providing prior notification to the South Dakota One Call System as required by SDCL 49-7A-5.

No response was received from Vince Finkhouse, dba Eagle Excavating relative to the complaint filed.

Prior to reviewing the complaint, and in view of the fact that no response was received from Vince Finkhouse, dba Eagle Excavating, the committee reviewed the following process for notifying Vince Finkhouse, dba Eagle Excavating:

- Notification of the Complaint was mailed to Vince Finkhouse, dba Eagle Excavating, on July 7, 2005.
- Carolyn Bunnell signed for the delivery of the complaint on July 14, 2005.
- Vince Finkhouse, dba Eagle Excavating, failed to respond within the legal time frame (July 29, 2005)
- Larry Englerth, Executive Director to the South Dakota One Call Notification Board, left messages for Mr. Finkhouse on Friday July 29th and Saturday July 30th.
- Mr. Finkhouse contacted Larry Englerth, Executive Director to the South Dakota One Call Notification Board, on Monday August 1, 2005 and discussed the complaint process and agreed to file a response regarding this complaint with the South Dakota One Call Notification Board by Friday August 5, 2005.
- The South Dakota One Call Notification Board sent a letter on August 6th advising Vince Finkhouse, dba Eagle Excavating of their failure to receive a response to the complaint.
- Vince Finkhouse, dba Eagle Excavating, failed to meet the commitment to respond to the complaint and no response has been received at the time of the Enforcement Committee on August 19, 2005.

The Committee determined that all appropriate steps had been taken to insure that Vince Finkhouse, dba Eagle Excavating, had the opportunity and notification to respond to this complaint within the timelines established in SDCL 49-7A-23.

In reviewing the Complaint filed by Montana-Dakota Utilities Company, the following items were noted:

- Complete Homebuilders had provided information that they had hired Vince Finkhouse, dba Eagle Excavating, to repair a leaking water service at this address.
- Mr. Finkhouse had acknowledged to a representative of Montana-Dakota Utilities that he had done the excavation work at this address.

Based on the information noted above, the Committee found that there was probable cause that Vince Finkhouse, dba Eagle Excavating, had violated SDCL 49-7A-5 without providing advance notice to the South Dakota One Call System.

RECOMMENDATION

OC05-005(A)

VIOLATION OF SOUTH DAKOTA SDCL 49-7A-5:

The Committee found there was probable cause that Vince Finkhouse, dba Eagle Excavating, had violated SDCL 49-7A-5 by commencing excavation at 16630 Elk Horn Road, Piedmont, SD, without providing advance notification to the South Dakota One Call System as required by statute.

PROPOSED PENALTY FOR THIS VIOLATION AUTHORIZED UNDER SDCL 49-7A-18:

The committee recommends a penalty of five hundred dollars (\$500.00) against Vince Finkhouse, dba Eagle Excavating, for this violation.

PROPOSED ADDITIONAL PENALTIES FOR THIS VIOLATION AUTHORIZED UNDER SDCL 49-7A-19:

The committee found there was insufficient information provided to establish that the excavation at this site was intentionally done without providing notice to the South Dakota One Call Center.

COMMENTS:

**ACCEPTANCE OR REJECTION BY PARTIES
COMPLAINT OC05-005(A)**

THE ENFORCEMENT COMMITTEE OF THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD HAS PROPOSED A RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC05-005(A).

IF BOTH PARTIES INVOLVED IN THIS COMPLAINT ACCEPT THE COMMITTEE RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC05-005(A) , THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD IS REQUIRED BY SDCL 49-7A-27 TO ACCEPT THIS AS FINAL RESOLUTION OF COMPLAINT OC05-005(A) .

IF EITHER PARTY INVOLVED IN THIS COMPLAINT REJECT THE COMMITTEE RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC05-005(A). THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD WILL SET UP A HEARING TO RESOLVE THE REJECTED RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC05-005(A). THIS HEARING SHALL BE CONDUCTED AS A CONTESTED CASE UNDER CHAPTER 1-26. FOLLOWING THE HEARING, THE BOARD SHALL EITHER RENDER A DECISION DISMISSING THE COMPLAINT FOR INSUFFICIENT EVIDENCE OR SHALL IMPOSE A PENALTY PURSUANT TO THE PROVISIONS OF SDCL 49-7A-18 OR SDCL 49-7A-19.

TO ACCEPT OR REJECT THE RESOLUTION OF THE ALLEGE VIOLATION, YOU SHOULD COMPLETE THE FOLLOWING AND RETURN TO THE ADDRESS BELOW PRIOR TO THE CLOSE OF BUSINESS ON SEPTEMBER 9, 2005, 2005.

**SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
1012 N. SYCAMORE AVENUE
SIOUX FALLS, SD 57110-5747**

PURSUANT TO SDCL 15-6-55, FAILURE TO ANSWER THIS COMPLAINT RESOLUTION COULD RESULT IN A DEFAULT JUDGEMENT BEING ISSUED AGAINST YOU. APPROPRIATE LIENS AND OTHER LEGAL COLLECTION ACTIONS COULD RESULT.

OC05-005(A)

VIOLATION OF SDCL 49-7A-5 NOTIFICATION OF PROPOSED EXCAVATION

I ACCEPT THE COMMITTEE RESOLUTION TO COMPLAINT OC05-005(A) VIOLATION OF SDCL 49-7A-5 NOTIFICATION OF PROPOSED EXCAVATION.



Signature- Montana-Dakota Utilities Company

9/7/05

Date

I REJECT THE COMMITTEE RESOLUTION TO COMPLAINT OC05-005(A) VIOLATION OF SDCL 49-7A-5 NOTIFICATION OF PROPOSED EXCAVATION AND REQUEST A HEARING TO RESOLVE THE VIOLATION ALLEGED IN COMPLAINT OC05-005(A).

Signature- Montana-Dakota Utilities Company

Date

ENFORCEMENT COMMITTEE ACTION

OC05-005(B)

Montana-Dakota Utilities Co. vs. Vince Finkhouse, dba Eagle Excavating

FINDINGS:

OC05-005(B)

Alleged Violation of SDCL 49-7A-8 Location of Underground Facilities - Marking

Allegation is made by Montana-Dakota Utilities Co. that Vince Finkhouse, dba Eagle Excavating, excavated at 16630 Elk Horn Road, Piedmont, SD, without maintaining a minimum horizontal clearance of eighteen inches between a marked underground facility and the cutting edge of any mechanical equipment as required by SDCL 49-7A-8.

No response was received from Vince Finkhouse, dba Eagle Excavating relative to the complaint filed.

Prior to reviewing the complaint, and in view of the fact that no response was received from Vince Finkhouse, dba Eagle Excavating, the committee reviewed the following process for notifying Vince Finkhouse, dba Eagle Excavating:

- Notification of the Complaint was mailed to Vince Finkhouse, dba Eagle Excavating, on July 7, 2005.
- Carolyn Bunnell signed for the delivery of the complaint on July 14, 2005.
- Vince Finkhouse, dba Eagle Excavating, failed to respond within the legal time frame (July 29, 2005)
- Larry Englerth, Executive Director to the South Dakota One Call Notification Board, left messages for Mr. Finkhouse on Friday July 29th and Saturday July 30th.
- Mr. Finkhouse contacted Larry Englerth, Executive Director to the South Dakota One Call Notification Board, on Monday August 1, 2005 and discussed the complaint process and agreed to file a response regarding this complaint with the South Dakota One Call Notification Board by Friday August 5, 2005.
- The South Dakota One Call Notification Board sent a letter on August 6th advising Vince Finkhouse, dba Eagle Excavating of their failure to receive a response to the complaint.
- Vince Finkhouse, dba Eagle Excavating, failed to meet the commitment to respond to the complaint and no response has been received at the time of the Enforcement Committee on August 19, 2005.

The Committee determined that all appropriate steps had been taken to insure that Vince Finkhouse, dba Eagle Excavating, had the opportunity and notification to respond to this complaint within the timelines established in SDCL 49-7A-23.

In reviewing the Complaint filed by Montana-Dakota Utilities Company, the following items were noted:

- Vince Finkhouse, dba Eagle Excavating, had not provided notification to the South Dakota One Call Center prior to the start of excavation at this address.
- No locate request had been sent to Montana-Dakota Utilities Company relative to this excavation activity.
- The buried gas line was not marked prior to the excavation activity.

RECOMMENDATION

OC05-005(B)

VIOLATION OF SOUTH DAKOTA SDCL 49-7A-8:

Violation of SDCL 49-7A-8 would require that an underground facility was marked prior to the excavation activity commencing for an excavator to be in violation of this statute. Therefore, the Committee found that probable cause could not be substantiated that Vince Finkhouse, dba Eagle Excavating, had violated SDCL 49-7A-8 by excavating at 16630 Elk Horn Road, Piedmont, SD, without maintaining a minimum horizontal clearance of eighteen inches between a marked underground facility and the cutting edge of any mechanical equipment as required by SDCL 49-7A-8.

**ACCEPTANCE OR REJECTION BY PARTIES
COMPLAINT OC05-005(B)**

THE ENFORCEMENT COMMITTEE OF THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD HAS PROPOSED A RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC05-005(B).

IF BOTH PARTIES INVOLVED IN THIS COMPLAINT ACCEPT THE COMMITTEE RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC05-005(B), THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD IS REQUIRED BY SDCL 49-7A-27 TO ACCEPT THIS AS FINAL RESOLUTION OF COMPLAINT OC05-005(B).

IF EITHER PARTY INVOLVED IN THIS COMPLAINT REJECT THE COMMITTEE RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC05-005(B). THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD WILL SET UP A HEARING TO RESOLVE THE REJECTED RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC05-005(B). THIS HEARING SHALL BE CONDUCTED AS A CONTESTED CASE UNDER CHAPTER 1-26. FOLLOWING THE HEARING, THE BOARD SHALL EITHER RENDER A DECISION DISMISSING THE COMPLAINT FOR INSUFFICIENT EVIDENCE OR SHALL IMPOSE A PENALTY PURSUANT TO THE PROVISIONS OF SDCL 49-7A-18 OR SDCL 49-7A-19.

TO ACCEPT OR REJECT THE RESOLUTION OF THE ALLEGE VIOLATION, YOU SHOULD COMPLETE THE FOLLOWING AND RETURN TO THE ADDRESS BELOW PRIOR TO THE CLOSE OF BUSINESS ON SEPTEMBER 9, 2005, 2005.

SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
1012 N. SYCAMORE AVENUE
SIOUX FALLS, SD 57110-5747

PURSUANT TO SDCL 15-6-55, FAILURE TO ANSWER THIS COMPLAINT RESOLUTION COULD RESULT IN A DEFAULT JUDGEMENT BEING ISSUED AGAINST YOU. APPROPRIATE LIENS AND OTHER LEGAL COLLECTION ACTIONS COULD RESULT.

OC05-005(B)

VIOLATION OF SDCL 49-7A-8 Location of Underground Facilities - Marking

I ACCEPT THE COMMITTEE RESOLUTION TO COMPLAINT OC05-005(B) VIOLATION OF SDCL 49-7A-8 Location of Underground Facilities - Marking.



Signature - Montana-Dakota Utilities Company

9/7/05

Date

I REJECT THE COMMITTEE RESOLUTION TO COMPLAINT OC05-005(B) VIOLATION OF SDCL 49-7A-8 Location of Underground Facilities - Marking AND REQUEST A HEARING TO RESOLVE THE VIOLATION ALLEGED IN COMPLAINT OC05-005(B).

Signature - Montana-Dakota Utilities Company

Date

ENFORCEMENT COMMITTEE ACTION

OC05-005(C)

Montana-Dakota Utilities Co. vs. Vince Finkhouse, dba Eagle Excavating

FINDINGS:

OC05-005(C)

Alleged Violation of SDCL 49-7A-12 Notification of Damage to Underground Facility

Allegation is made by Montana-Dakota Utilities Co. that Vince Finkhouse, dba Eagle Excavating, while excavating at 16630 Elk Horn Road, Piedmont, SD, damaged an underground gas line and failed to notify Montana-Dakota Utilities or the South Dakota One Call Center as required by SDCL 49-7A-12.

No response was received from Vince Finkhouse, dba Eagle Excavating relative to the complaint filed.

Prior to reviewing the complaint, and in view of the fact that no response was received from Vince Finkhouse, dba Eagle Excavating, the committee reviewed the following process for notifying Vince Finkhouse, dba Eagle Excavating:

- Notification of the Complaint was mailed to Vince Finkhouse, dba Eagle Excavating, on July 7, 2005.
- Carolyn Bunnell signed for the delivery of the complaint on July 14, 2005.
- Vince Finkhouse, dba Eagle Excavating, failed to respond within the legal time frame (July 29, 2005)
- Larry Englerth, Executive Director to the South Dakota One Call Notification Board, left messages for Mr. Finkhouse on Friday July 29th and Saturday July 30th.
- Mr. Finkhouse contacted Larry Englerth, Executive Director to the South Dakota One Call Notification Board, on Monday August 1, 2005 and discussed the complaint process and agreed to file a response regarding this complaint with the South Dakota One Call Notification Board by Friday August 5, 2005.
- The South Dakota One Call Notification Board sent a letter on August 6th advising Vince Finkhouse, dba Eagle Excavating of their failure to receive a response to the complaint.
- Vince Finkhouse, dba Eagle Excavating, failed to meet the commitment to respond to the complaint and no response has been received at the time of the Enforcement Committee on August 19, 2005.

The Committee determined that all appropriate steps had been taken to insure that Vince Finkhouse, dba Eagle Excavating, had the opportunity and notification to respond to this complaint within the timelines established in SDCL 49-7A-23.

In reviewing the Complaint filed by Montana-Dakota Utilities Company, the following items were noted:

- Complete Homebuilders had provided information that they had hired Vince Finkhouse, dba Eagle Excavating, to repair a leaking water service at this address.
- Mr. Finkhouse had acknowledged to a representative of Montana-Dakota Utilities that he had done the excavation work at this address.
- During this excavation, damage had occurred to an underground gas line owned and operated by Montana-Dakota Utilities Company at 16630 Elk Horn Road, Piedmont, SD.
- Vince Finkhouse, dba Eagle Excavating, had failed to notify Montana-Dakota Utilities Company or the South Dakota One Call Center of this damage.
- Vince Finkhouse, dba Eagle Excavating had attempted to repair the damage to the underground gas line at 16630 Elk Horn Road, Piedmont, SD.

Based on the information noted above, the Committee found there was probable cause that Vince Finkhouse, dba Eagle Excavating, while excavating at 16630 Elk Horn Road, Piedmont, SD, had damaged

an underground gas line and failed to notify Montana-Dakota Utilities or the South Dakota One Call Center as required by SDCL 49-7A-12.

RECOMMENDATION

OC05-005(C)

VIOLATION OF SOUTH DAKOTA SDCL 49-7A-12:

The Committee found there was probable cause that Vince Finkhouse, dba Eagle Excavating, while excavating at 16630 Elk Horn Road, Piedmont, SD, had damaged an underground gas line and failed to notify Montana-Dakota Utilities or the South Dakota One Call Center as required by SDCL 49-7A-12.

PROPOSED PENALTY FOR THIS VIOLATION AUTHORIZED UNDER SDCL 49-7A-18:

The committee recommends a penalty of one-thousand dollars (\$1000) against Vince Finkhouse, dba Eagle Excavating, for this violation.

PROPOSED PENALTY FOR THIS VIOLATION AUTHORIZED UNDER SDCL 49-7A-19:

The committee determined that the conditions identified in this complaint clearly indicate that SDCL 49-7A-19 applies to this violation.

In addition to the previously identified penalty under SDCL 49-7A-18 the committee recommends an additional penalty of five-thousand dollars (\$5000) against Vince Finkhouse, dba Eagle Excavating for this violation.

**ACCEPTANCE OR REJECTION BY PARTIES
COMPLAINT OC05-005(C)**

THE ENFORCEMENT COMMITTEE OF THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD HAS PROPOSED A RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC05-005(C).

IF BOTH PARTIES INVOLVED IN THIS COMPLAINT ACCEPT THE COMMITTEE RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC05-005(C) , THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD IS REQUIRED BY SDCL 49-7A-27 TO ACCEPT THIS AS FINAL RESOLUTION OF COMPLAINT OC05-005(C) .

IF EITHER PARTY INVOLVED IN THIS COMPLAINT REJECT THE COMMITTEE RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC05-005(C). THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD WILL SET UP A HEARING TO RESOLVE THE REJECTED RESOLUTION TO THE VIOLATION ALLEGED IN COMPLAINT NUMBER OC05-005(C). THIS HEARING SHALL BE CONDUCTED AS A CONTESTED CASE UNDER CHAPTER 1-26. FOLLOWING THE HEARING, THE BOARD SHALL EITHER RENDER A DECISION DISMISSING THE COMPLAINT FOR INSUFFICIENT EVIDENCE OR SHALL IMPOSE A PENALTY PURSUANT TO THE PROVISIONS OF SDCL 49-7A-18 OR SDCL 49-7A-19.

TO ACCEPT OR REJECT THE RESOLUTION OF THE ALLEGE VIOLATION, YOU SHOULD COMPLETE THE FOLLOWING AND RETURN TO THE ADDRESS BELOW PRIOR TO THE CLOSE OF BUSINESS ON SEPTEMBER 9, 2005, 2005.

SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
1012 N. SYCAMORE AVENUE
SIOUX FALLS, SD 57110-5747

PURSUANT TO SDCL 15-6-55, FAILURE TO ANSWER THIS COMPLAINT RESOLUTION COULD RESULT IN A DEFAULT JUDGEMENT BEING ISSUED AGAINST YOU. APPROPRIATE LIENS AND OTHER LEGAL COLLECTION ACTIONS COULD RESULT.

OC05-005(C)

VIOLATION OF SDCL 49-7A-12 NOTIFICATION OF PROPOSED EXCAVATION

I ACCEPT THE COMMITTEE RESOLUTION TO COMPLAINT OC05-005(C) VIOLATION OF SDCL 49-7A-12 NOTIFICATION OF PROPOSED EXCAVATION.



Signature – Montana-Dakota Utilities Company

9/7/05

Date

I REJECT THE COMMITTEE RESOLUTION TO COMPLAINT OC05-005(C) VIOLATION OF SDCL 49-7A-12 NOTIFICATION OF PROPOSED EXCAVATION AND REQUEST A HEARING TO RESOLVE THE VIOLATION ALLEGED IN COMPLAINT OC05-005(C).

Signature – Montana-Dakota Utilities Company

Date