



Steve Kolbeck, Chair
Gary Hanson, Vice Chair
Chris Nelson, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

Capitol Office
(605) 773-3201
1-866-757-6031 fax

Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

April 6, 2011

Robert Kohl Construction
12947 BIA Highway 700
Peever, SD 57257 - 7619

Re: OC10-009

Dear Mr. Kohl;

On November 29, 2010 OtterTail Power Company filed a complaint against your company. The Enforcement Panel of the South Dakota One Call Notification Board met regarding the complaint and found probable cause to believe a violation South Dakota codified law occurred. The Enforcement Panel assessed a One Thousand Dollar penalty (\$1,000). Five Hundred (\$500) of that was, however, suspended if payment was made by March 16, 2011. You failed to make payment and the entire One Thousand Dollar (\$1,000) penalty is now due.

On March 24, 2011 the executive director of SD One Call sent the enclosed letter to give you additional time to address the violation and penalty. You have, to date, failed to make any attempt to pay the penalties or make other arrangements.

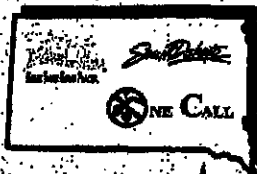
You are hereby demanded, pursuant to SDCL 49-7A-33 to pay said penalty within thirty days of receipt of this letter. If you do not pay the penalty, the Public Utilities Commission may bring an action in the name of the State of South Dakota against your company in circuit court. See SDCL 49-7A-28. Please contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kara Semmler".

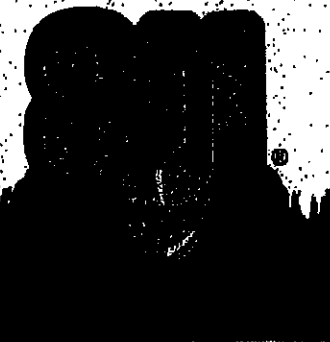
Kara Semmler

Special Assistant Attorney General for the SD Public Utilities Commission



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

**Know what's below.
Call before you dig.**



March 24, 2011

Robert Kohl Construction
12947 BIA Highway 700
Peever, SD 57257-7619

Mr. Kohl:

This is a reminder notice of the five hundred dollars (\$500) which was due to South Dakota One Call on March 16, 2011. This is in regards to the South Dakota One Call Board Order Adopting Enforcement Panel Recommendation on Complaint OC10-009, which was delivered by Priority Mail on February 22, 2011.

OC10-009 – Digging without a locate ticket at 509 Old Agency St., Sisseton, South Dakota September 29, 2010. This Order required a payment of five hundred dollars (\$500) to be received by March 16, 2011.

Because payment was not received and because no effort has been made by Robert Kohl Construction to contact South Dakota One Call to arrange to make that payment, the additional amount of five hundred dollars (\$500) which was suspended, is now also due. However, if you contact South Dakota One Call in writing by April 1, 2011 to either make a one-time payment of five hundred dollars (\$500) or to make some other reasonable monthly payment amount agreed to by South Dakota One Call, we may agree to not impose the additional suspended amount of five hundred dollars (\$500). If no response is received from Robert Kohl Construction by the close of business on April 1, 2011, then the total amount of one thousand dollars (\$1,000) will be imposed, and the collection process will begin. Please contact us to make payment arrangements no later than April 1, 2011 at:

South Dakota One Call Notification Board
c/o Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

I sincerely hope that you understand that our goal is compliance with South Dakota One Call laws for the safety of you, your workers, and the general public. We have no interest in receiving complaints and in issuing penalties.

Respectfully,

Larry L. Janes
Executive Director
South Dakota One Call

EXHIBIT D, PAGE 2