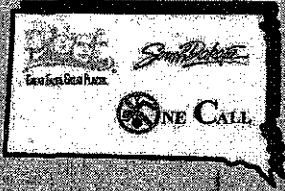


Safe digging is no accident. Always call 811 before digging.



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



TO: SCOTT OLSON DIGGING, Inc.
FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
DATE: SEPTEMBER 20, 2010
RE: NOTICE OF COMPLAINT; DEADLINE FOR ANSWER;

In the Matter of the Complaint OC10-006 filed by Northwestern Energy against Scott Olson Digging, Inc., regarding a failure to notify the operator of the facility of damage as required by SDCL 49-7A-12.

You are hereby notified that the enclosed complaint as referenced above has been filed with the South Dakota One Call Notification Board against Scott Olson Digging, Inc.. Pursuant to SDCL 49-7A-23 & SDCL 49-7A-24, you are required to answer this complaint in writing, no later than the close of business on October 11, 2010, by filing the original and two copies of the answer at the address listed below and by serving a copy on the complainant, or you may file your response electronically at <http://www.state.sd.us/puc/EFilingOptions.aspx>.

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

Your answer should be as thorough and detailed as possible and should include any documentation that supports your position e.g. witness statements, pictures, etc. We would encourage you to specifically address the alleged violation of SDCL 49-7A-12 referenced in the complaint:

Damaging the pipe and tape coat wrap at Lincoln Avenue NW (nearest intersection: Third Street SW) Huron, SD. The excavator did not notify NorthWestern Energy that the facility had been damaged.

Pursuant to SDCL 49-7A-22 a panel of Board members will make a determination of probable cause based on the complaint and associated response. If probable cause

is determined, the panel may recommend penalties under SDCL 49-7A-18 or SDCL 49-19. If any financial penalties are assessed in response to Complaint OC10-006 the amount will be based on the factors noted in SDCL 49-7A-26 which are as follows:

1. The amount of damage
2. The degree of threat to the public safety, and
3. The public inconvenience caused;
4. The respondent's plans and procedures to insure future compliance with statute and rules;
5. Any history of previous violations;
6. Other matters as justice requires.

You may address any of these items in your response if you believe it would be of value to the Enforcement Panel when they consider this complaint.

Pursuant to SDCL 15-6-55, failure to answer 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.

A copy of the Operations Manual for Facility Operators and Excavators, the South Dakota One Call Statute and associated Administrative Rules are available on our web site www.sdonecall.com.

Procedural questions may be directed to Larry Janes, Executive Director to the South Dakota One Call Notification Board, at 605-339-0529 or by email to 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 Enforcement Panel review and/or a 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.

Enclosure: Copy of complaint

cc: Sara Greff Dannen (via email)

ONE CALL COMPLAINT FORM
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, Sd 57501-5070

COMPLAINT

Allegation of Probable Violation(s) of South Dakota One Call Laws

Received On September 13, 2010 2:40 pm

I. ACTION REQUESTED BY:

COMPLAINT FILED BY: Company
PERSON FILING COMPLAINT: Sara Greff Dannen
COMPANY: NorthWestern Corporation d/b/a NorthWestern Energy
ADDRESS: 3010 West 69th Street, Sioux Falls, SD 57108
PHONE NUMBER: (605) 978-2942
EMAIL: sara.dannen@northwestern.com
DATE: September 13, 2010

II. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: Scott Olson Digging, Inc.
PHONE NUMBER: (605) 352-0785
ADDRESS: PO Box 1402, Huron, SD 57350
WAS A LOCATED REQUESTED FROM SD ONE CALL? Yes
LOCATE TICKET#: 102070122
START DATE ON TICKET: July 28, 2010
DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? Yes
WERE BURIED FACILITIES EXPOSED BY HAND OR NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? No

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: Gas Service Line
OPERATOR OF FACILITY: NorthWestern Energy
OPERATOR ADDRESS: 600 Market Street West, Huron, SD 57350
PHONE NUMBER: (605) 353-7527
DEPTH OF COVER: 18 to 24 inches
PRESSURE: 25 to 30 psi
VOLTAGE: N/A
NUMBER OF CABLE REPAIRS: N/A

IV. MARKING

WERE FACILITIES MARKED? Yes

WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? Yes

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? No

WAS THE FACILITY ACCURATELY MARKED (WITHIN 18 INCHES)? Yes

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? N/A

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? No

IS THERE AGREEMENT? No

IF NO, PLEASE EXPLAIN:

V. DAMAGE (IF ANY)

FATALITIES: 0

INJURIES: 0

LENGTH OF HOSPITALIZATION: N/A

ESTIMATED PROPERTY DAMAGE: \$500.00

NUMBER OF CUSTOMERS AFFECTED: 0

DAMAGED IN: Public

PHOTOS OF THE DAMAGED FACILITY: Yes

ADDITIONAL INFORMATION: See attached Affidavit of Rick Hoffman & photographs.

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED: SDCL 49-7A-12, Notification of damage to underground facility — Repairs.

ADDRESS/LOCATION OF PROBABLE VIOLATION: Lincoln Avenue NW (nearest intersection: Third Street SW), Huron

DATE/TIME OF PROBABLE VIOLATION: July 27, 2010 12:00 pm

HAVE YOU DISCUSSED THE PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST? False

IF YES, NAME THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION:

DESCRIPTION OF PROBABLE VIOLATION: On July 27, 2010, Scott Olson Digging, Inc. struck a service pipe, damaging the pipe and the tape coat wrap. The excavator did not notify NorthWestern Energy that our facility had been damaged. See attached Affidavit of Rick Hoffman for further details.

Affidavit of Rick Hoffman

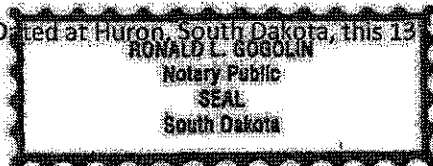
STATE OF SOUTH DAKOTA)
) ss
COUNTY OF BEADLE)

Rick Hoffman, being first duly sworn upon oath, states and alleges as follows:

- 1) I am the Huron Area Manager for NorthWestern Corporation d/b/a NorthWestern Energy.
- 2) On July 27, 2010, Kevin Weeldreyer, Journeyman gasman for NorthWestern Energy, located our service at the site. Mr. Weeldreyer spoke with Robert King, the employee of Scott Olson Digging, Inc. who was excavating the site, at this time.
- 3) Because of prior incidents NorthWestern Energy has had with Scott Olson Digging, Inc., Kevin Weeldreyer returned to the locate site at 7:30 A.M. on July 28, 2010. He observed a ¾-inch steel service line had been hit and the tape coat had been scraped off. Part of the service had already been buried at this time, although the area where the damage occurred was still exposed.
- 4) Scott Olson Digging, Inc. did not notify NorthWestern Energy that they had damaged our facility on July 27, 2010.
- 5) Attached as Exhibits A and B are photographs showing the tape coat completely scraped off the service pipe. I took these photographs on July 28, 2010.
- 6) Attached as Exhibit C is a photograph showing another area where the tape coat is scraped off the service pipe. I took this photograph on July 28, 2010.
- 7) On July 8, 2010, I had spoken with Scott Olson about an issue where one of his employees cut our pre-form guy attachment with a metal saw. At this time I advised Mr. Olson that his employees are not to touch or alter our equipment or utilities.
- 8) On July 28, 2010, Kevin Weeldreyer and I spoke to Mike Weaver, city engineer for the City of Huron, and Lanny Thomas, city inspector. We advised Mr. Weaver of the issues we have had with Scott Olson Digging, Inc. (a contractor for the City of Huron). We also stressed the importance of NorthWestern Energy being notified when our service is hit or contacted so our personnel can inspect and repair the damage. Lanny Thomas advised us during this meeting that he has seen Scott Olson Digging, Inc. lift or contact our utilities.

Further affiant sayeth naught.

Dated at Huron, South Dakota, this 13th day of September, 2010.

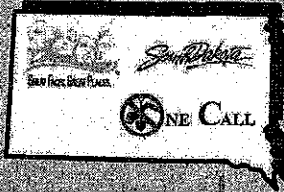


Rick Hoffman
Rick Hoffman

SUBSCRIBED AND SWORN to before me this 13th day of September, 2010.

Ronald L. Gogolin
Notary Public, South Dakota
My commission expires: July 30, 2016

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



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



TO: SCOTT OLSON DIGGING, Inc.
FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
DATE: SEPTEMBER 20, 2010
RE: NOTICE OF COMPLAINT; DEADLINE FOR ANSWER;

In the Matter of the Complaint OC10-007 filed by Northwestern Energy against Scott Olson Digging, Inc., regarding a failure to notify the operator of the facility of damage as required by SDCL 49-7A-12.

You are hereby notified that the enclosed complaint as referenced above has been filed with the South Dakota One Call Notification Board against Scott Olson Digging, Inc.. Pursuant to SDCL 49-7A-23 & SDCL 49-7A-24, you are required to answer this complaint in writing, no later than the close of business on October 11, 2010, by filing the original and two copies of the answer at the address listed below and by serving a copy on the complainant, or you may file your response electronically at <http://www.state.sd.us/puc/EFilingOptions.aspx>.

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

Your answer should be as thorough and detailed as possible and should include any documentation that supports your position e.g. witness statements, pictures, etc. We would encourage you to specifically address the alleged violation of SDCL 49-7A-12 referenced in the complaint:

Damaging the 90 degree elbow and pipe at Lincoln Avenue NW (nearest intersection: Third Street SW) Huron, SD. The excavator did not notify NorthWestern Energy that the facility had been damaged.

Pursuant to SDCL 49-7A-22 a panel of Board members will make a determination of probable cause based on the complaint and associated response. If probable cause

is determined, the panel may recommend penalties under SDCL 49-7A-18 or SDCL 49-19. If any financial penalties are assessed in response to Complaint OC10-007 the amount will be based on the factors noted in SDCL 49-7A-26 which are as follows:

1. The amount of damage
2. The degree of threat to the public safety, and
3. The public inconvenience caused;
4. The respondent's plans and procedures to insure future compliance with statute and rules;
5. Any history of previous violations;
6. Other matters as justice requires.

You may address any of these items in your response if you believe it would be of value to the Enforcement Panel when they consider this complaint.

Pursuant to SDCL 15-6-55, failure to answer 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.

A copy of the Operations Manual for Facility Operators and Excavators, the South Dakota One Call Statute and associated Administrative Rules are available on our web site www.sdonecall.com.

Procedural questions may be directed to Larry Janes, Executive Director to the South Dakota One Call Notification Board, at 605-339-0529 or by email to 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 Enforcement Panel review and/or a 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.

Enclosure: Copy of complaint

cc: Sara Greff Dannen (via email)

ONE CALL COMPLAINT FORM
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, Sd 57501-5070

COMPLAINT

Allegation of Probable Violation(s) of South Dakota One Call Laws

Received On September 13, 2010 2:53 pm

I. ACTION REQUESTED BY:

COMPLAINT FILED BY: Company

PERSON FILING COMPLAINT: Sara Greff Dannen

COMPANY: NorthWestern Corporation d/b/a NorthWestern Energy

ADDRESS: 3010 West 69th Street, Sioux Falls, SD 57108

PHONE NUMBER: (605) 978-2942

EMAIL: sara.dannen@northwestern.com

DATE: September 13, 2010

II. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: Scott Olson Digging, Inc.

PHONE NUMBER: (605) 352-0785

ADDRESS: PO Box 1402, Huron, SD 57350

WAS A LOCATED REQUESTED FROM SD ONE CALL? Yes

LOCATE TICKET#: 102070122

START DATE ON TICKET: July 28, 2010

DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? Yes

WERE BURIED FACILITIES EXPOSED BY HAND OR NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? No

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: Gas Service Line

OPERATOR OF FACILITY: NorthWestern Energy

OPERATOR ADDRESS: 600 Market Street West, Huron, SD 57350

PHONE NUMBER: (605) 353-7527

DEPTH OF COVER: 18 to 24 inches

PRESSURE: 25 to 30 psi

VOLTAGE: N/A

NUMBER OF CABLE REPAIRS: N/A

IV. MARKING

WERE FACILITIES MARKED? Yes

WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? Yes

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? No

WAS THE FACILITY ACCURATELY MARKED (WITHIN 18 INCHES)? Yes

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? N/A

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? No

IS THERE AGREEMENT? No

IF NO, PLEASE EXPLAIN:

V. DAMAGE (IF ANY)

FATALITIES: 0

INJURIES: 0

LENGTH OF HOSPITALIZATION: N/A

ESTIMATED PROPERTY DAMAGE: \$500.00

NUMBER OF CUSTOMERS AFFECTED: 0

DAMAGED IN: Public

PHOTOS OF THE DAMAGED FACILITY: Yes

ADDITIONAL INFORMATION: See Affidavit of Rick Hoffman & photographs.

VI. PROBABLE VIOLATION

SPECIFIC STATUTE(S) OR RULE(S) THAT WAS VIOLATED: SDCL 49-7A-12, Notification of damage to underground facility — Repairs.

ADDRESS/LOCATION OF PROBABLE VIOLATION: Lincoln Avenue NW (nearest intersection: Third Street SW), Huron, SD

DATE/TIME OF PROBABLE VIOLATION: July 27, 2010 12:00 pm

HAVE YOU DISCUSSED THE PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST? False

IF YES, NAME THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION:

DESCRIPTION OF PROBABLE VIOLATION: On July 27, 2010, Scott Olson Digging, Inc. struck our service, damaging the 90 degree elbow and pipe where the service turned into a customer's property. The excavator did not notify NorthWestern Energy that our facility had been damaged. See Affidavit of Rick Hoffman for further details.

Affidavit of Rick Hoffman

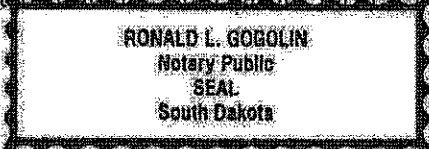
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF BEADLE)

Rick Hoffman, being first duly sworn upon oath, states and alleges as follows:

- 1) I am the Huron Area Manager for NorthWestern Corporation d/b/a NorthWestern Energy.
- 2) On July 27, 2010, Kevin Weeldreyer, journeyman gasman for NorthWestern Energy, located our service at the site. Mr. Weeldreyer spoke with Robert King, the employee of Scott Olson Digging, Inc. who was excavating the site, at this time.
- 3) Because of prior incidents NorthWestern Energy has had with Scott Olson Digging, Inc., Kevin Weeldreyer returned to the locate site at 7:30 A.M. on July 28, 2010. He observed a ¾-inch steel service line had been hit and the tape coat had been scraped off. Part of the service had already been buried at this time, although the area where the damage occurred was still exposed.
- 4) Scott Olson Digging, Inc. did not notify NorthWestern Energy that they had damaged our facility on July 27, 2010.
- 5) Attached as Exhibit A is a photograph showing (a) the tape coat scraped off the service pipe (left side of picture) and (b) the 90-degree elbow bent and lifted and the tape coat scraped off. I took this photograph on July 28, 2010.
- 6) Attached as Exhibit B is a photograph of the 90-degree elbow from another angle. I took this photograph on July 28, 2010.
- 7) On July 8, 2010, I had spoken with Scott Olson about an issue where one of his employees cut our pre-form guy attachment with a metal saw. At this time I advised Mr. Olson that his employees are not to touch or alter our equipment or utilities.
- 8) On July 28, 2010, Kevin Weeldreyer and I spoke to Mike Weaver, city engineer for the City of Huron, and Lanny Thomas, city inspector. We advised Mr. Weaver of the issues we have had with Scott Olson Digging, Inc. (a contractor for the City of Huron). We also stressed the importance of NorthWestern Energy being notified when our service is hit or contacted so our personnel can inspect and repair the damage. Lanny Thomas advised us during this meeting that he has seen Scott Olson Digging, Inc. lift or contact our utilities.

Further affiant sayeth naught.

Dated at Huron, South Dakota, this 13th day of September, 2010.

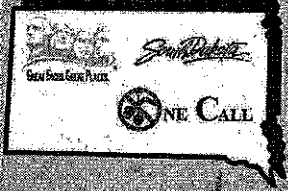


Rick Hoffman
Rick Hoffman

SUBSCRIBED AND SWORN to before me this 13th day of September, 2010.

Ronald L. Gogolin
Notary Public, South Dakota
My commission expires: July 30, 2016

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



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



TO: SCOTT OLSON DIGGING, Inc.
FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
DATE: SEPTEMBER 20, 2010
RE: NOTICE OF COMPLAINT; DEADLINE FOR ANSWER;

In the Matter of the Complaint OC10-008 filed by Northwestern Energy against Scott Olson Digging, Inc., regarding excavating prior to the start date on the ticket as required by SDCL 49-7A-5.

You are hereby notified that the enclosed complaint as referenced above has been filed with the South Dakota One Call Notification Board against Scott Olson Digging, Inc.. Pursuant to SDCL 49-7A-23 & SDCL 49-7A-24, you are required to answer this complaint in writing, no later than the close of business on October 11, 2010, by filing the original and two copies of the answer at the address listed below and by serving a copy on the complainant, or you may file your response electronically at <http://www.state.sd.us/puc/EFilingOptions.aspx>.

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

Your answer should be as thorough and detailed as possible and should include any documentation that supports your position e.g. witness statements, pictures, etc. We would encourage you to specifically address the alleged violation of SDCL 49-7A-5 referenced in the complaint:

Workers had begun digging at the site prior to the due date on the locate ticket at Lawnridge Ave SE from Third Street SE to Seventh Street SE, Huron, SD.

Pursuant to SDCL 49-7A-22 a panel of Board members will make a determination of probable cause based on the complaint and associated response. If probable cause

is determined, the panel may recommend penalties under SDCL 49-7A-18 or SDCL 49-19. If any financial penalties are assessed in response to Complaint OC10-008 the amount will be based on the factors noted in SDCL 49-7A-26 which are as follows:

1. The amount of damage
2. The degree of threat to the public safety, and
3. The public inconvenience caused;
4. The respondent's plans and procedures to insure future compliance with statute and rules;
5. Any history of previous violations;
6. Other matters as justice requires.

You may address any of these items in your response if you believe it would be of value to the Enforcement Panel when they consider this complaint.

Pursuant to SDCL 15-6-55, failure to answer 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.

A copy of the Operations Manual for Facility Operators and Excavators, the South Dakota One Call Statute and associated Administrative Rules are available on our web site www.sdonecall.com.

Procedural questions may be directed to Larry Janes, Executive Director to the South Dakota One Call Notification Board, at 605-339-0529 or by email to 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 Enforcement Panel review and/or a 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.

Enclosure: Copy of complaint

cc: Sara Greff Dannen (via email)

ONE CALL COMPLAINT FORM
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, Sd 57501-5070

COMPLAINT

Allegation of Probable Violation(s) of South Dakota One Call Laws

Received On September 13, 2010 3:02 pm

I. ACTION REQUESTED BY:

COMPLAINT FILED BY: Company

PERSON FILING COMPLAINT: Sara Greff Dannen

COMPANY: NorthWestern Corporation d/b/a NorthWestern Energy

ADDRESS: 3010 West 69th Street, Sioux Falls, SD 57108

PHONE NUMBER: (605) 978-2942

EMAIL: sara.dannen@northwestern.com

DATE: September 13, 2010

II. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: Scott Olson Digging, Inc.

PHONE NUMBER: (605) 352-0785

ADDRESS: PO Box 1402, Huron, SD 57350

WAS A LOCATED REQUESTED FROM SD ONE CALL? Yes

LOCATE TICKET#: 102380290

START DATE ON TICKET: August 30, 2010

DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? No

WERE BURIED FACILITIES EXPOSED BY HAND OR NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? No

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: Gas Service Line and Distribution Line

OPERATOR OF FACILITY: NorthWestern Energy

OPERATOR ADDRESS: 600 Market Street West, Huron, SD 57350

PHONE NUMBER: (605) 353-7527

DEPTH OF COVER: over 18 inches

PRESSURE: less than 60 psi

VOLTAGE: N/A

NUMBER OF CABLE REPAIRS: N/A

IV. MARKING

WERE FACILITIES MARKED? No

WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? N/A

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? No

WAS THE FACILITY ACCURATELY MARKED (WITHIN 18 INCHES)? N/A

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? N/A

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? Yes

IS THERE AGREEMENT? Yes

IF NO, PLEASE EXPLAIN:

V. DAMAGE (IF ANY)

FATALITIES: 0

INJURIES: 0

LENGTH OF HOSPITALIZATION: N/A

ESTIMATED PROPERTY DAMAGE: \$0.00

NUMBER OF CUSTOMERS AFFECTED: 0

DAMAGED IN: Public

PHOTOS OF THE DAMAGED FACILITY: No

ADDITIONAL INFORMATION:

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED: SDCL 49-7A-5, Notification of proposed excavation.

ADDRESS/LOCATION OF PROBABLE VIOLATION: Lawnridge Ave SE from Third Street SE to Seventh Street SE, Huron

DATE/TIME OF PROBABLE VIOLATION: August 27, 2010 12:00 pm

HAVE YOU DISCUSSED THE PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST? True

IF YES, NAME THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION: Scott Olson

DESCRIPTION OF PROBABLE VIOLATION: On August 27, 2010, when NorthWestern Energy's technician arrived at the site to mark the locates, work on the site was already completed. Attached to this complaint are photographs 1 through 8 showing the site on August 27.

Justin Almond, Huron area engineer for NorthWestern Energy, called Scott Olson on August 27 to advise him his workers had begun digging at the site prior to the due date on the locate ticket (August 30). Mr. Almond asked Mr. Olson to stop further construction at the site until the due date on the locate ticket.