

STATE OF SOUTH DAKOTA )  
                                  :SS  
COUNTY OF LINCOLN     )

IN CIRCUIT COURT  
  
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,  
                                  Plaintiff,  
  
vs.  
  
DON RUNGE,  
                                  Defendant.

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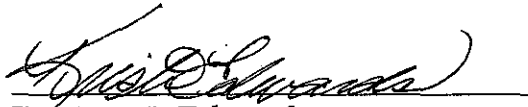
CIV. 12-573  
  
AFFIDAVIT IN SUPPORT OF  
AMENDED APPLICATION FOR  
DEFAULT JUDGMENT

Kristen N. Edwards, Special Assistant Attorney General and attorney for the Plaintiff, the State of South Dakota, states the following pursuant to SDCL 15-6-55(a) in support of the Plaintiff's Amended Application for Default Judgment:

1. Plaintiff, the State of South Dakota, brings this action by and through the Public Utilities Commission ("Commission"), an agency of the State of South Dakota.
2. The Commission commenced this action by personal service upon Defendant, Don Runge, on August 21, 2012. The sheriff's return of service is attached to the Amended Application for Default Judgment ("Application") as Exhibit A.
3. The Summons states: "You are hereby summoned and required to answer the Complaint ... within 30 days after service of this Summons and Complaint upon you, exclusive of the day of such service. You are further notified that if you fail to answer the Complaint within the time aforesaid, judgment may be entered against you as requested in the Complaint."
4. To the knowledge of affiant, Defendant has not served or filed an Answer or any other pleading in this case upon the Court or Public Utilities Commission.
5. Defendant has not paid anything to the Public Utilities Commission or One Cal in satisfaction of the Four Thousand Five Hundred Dollars (\$4,500) in civil fines levied by

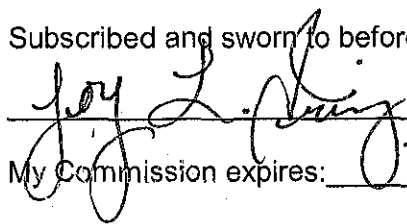
One Call, nor given any indication to the Public Utilities Commission or One Call that he intends to do so.

Dated this 8<sup>th</sup> day of February, 2013.



Kristen N. Edwards  
Special Assistant Attorney General  
South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Pierre, SD 57501

Subscribed and sworn to before me this 8<sup>th</sup> day of February, 2013.

 (Notary Public)  
My Commission expires: 07.24.13