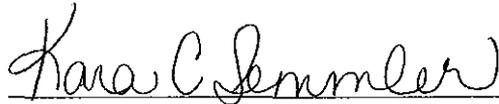

THE STATE OF SOUTH DAKOTA,	*	CIV 06-1141
	*	
Plaintiff,	*	
	*	
vs.	*	AFFIDAVIT IN SUPPORT
	*	OF APPLICATION FOR
	*	DEFAULT JUDGEMENT
VINCE FINKHOUSE,	*	
d/b/a Eagle Excavating,	*	
	*	
Defendant.	*	

Kara Semmler, 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 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, Vince Finkhouse on June 6, 2007. The sheriff's return of service is attached as Exhibit A.
3. The Summons states: "you are 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 by default 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 Commission.

5. Defendant has not paid anything to the Commission or One Call in satisfaction of the \$6,500 in civil fines levied by One Call nor given any indication to the Commission or One Call that he intends to do so.

Dated this 7th day of May, 2008



Kara C. Semmler
Assistant Attorney General
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501
Ph (605) 773-3201
Fax 866-757-6031
Attorney for Plaintiff,
South Dakota Public Utilities Commission

Process # 70353
Return # 168966

Court # CIR-

SHERIFF'S RETURN AND DAY BOOK ENTRY

STATE OF SOUTH DAKOTA, County of Pennington

C-Mail	0	0.00
Pub		0.00
Sheriff's Sale		0.00
Subpoena		0.00
Service		16.50
Mile 1	14	5.32
Mile 2		0.00
Misc 1		0.00
Misc 2		0.00
Misc 3		0.00
Total		21.82
Paid		0.00
Due		21.82

Attorney SD PUBLIC UTILITIES COMMISSION
500 E CAPITOL AVE
PIERRE
SD 57501-5070

RECEIVED

JUN 08 2007

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Plaintiff THE STATE OF SD

SS.

VS.

Defendant FINKHOUSE, VINCE DBA EAGLE EXCAVATING

I, Don Holloway, Sheriff of Pennington County, South Dakota, hereby certify and return the annexed
SUMMONS; COMPLAINT

came into my hands on the 06/04/2007 for service on:
FINKHOUSE, VINCE

that I served personally by delivering a true copy thereof with
FINKHOUSE, VINCE ON 06/06/2007 @ 1405 AT 3736 CANYON LAKE DR, RAPID CITY, SD

substituted service at his/her dwelling
Pennington county, South Dakota, in the presence of and with a member of his/her family over the age
of fourteen years, to wit:

returned unserved because of the following reason:

in Pennington county, State of south Dakota, on 6 day of June, 2007

Pennington County Sheriff
300 Kansas City Street Ste 100
Rapid City, SD 57701

Don Holloway

Sheriff

by: FULLEN, CINDY

Deputy

EXHIBIT

A