

From: Allen & Margy [mailto:abeyers3@abe.midco.net]

Sent: Friday, February 10, 2012 5:25 PM

To: Van Gerpen, Patty

Subject: Midco

Ms. VanGerpen,

My name is Allen Beyers. I live in Roscoe, SD and farm. On October 25, 2011 an employee of mine was driving a tractor with an implement attached heading south on Edmunds County Highway 13. As he entered Ipswich on this highway he encountered a Road Closed barricade due to sewer and water work that was being done. Upon coming upon the barricade he took the only turn available to him, which was to head west on Euclid Ave. in Ipswich since there was no street or road going east and it would have proven difficult to turn around with an implement behind. After proceeding approximately one block west the implement became entangled in Midcontinent Communications overhead lines. Due to the tension on the wires they in turn broke poles and brought down MDU lines which were attached, even though he stopped in a relatively short distance. There was some minor damage done to a mobil home from one of the poles that broke as well. No damage was done to the implement and there were thankfully no personal injuries.

Once it was certain that the power lines were not energized the Edmunds County Sheriff and his deputy measured the height of my implement. This measurement was 15'5" and is noted on the Sheriff's report on the last page of the attachment. The other pages of the attachment show bills for damages from MDU as well as bills and threats from Midcontinent. Also in the attachment is the claim denial from my insurance company that they sent to MDU, Midcontinent, and myself. They explained their reason for denial in these letters. I don't know where MDU stands on this because I have not received anything more than the one bill but Midco continues to attempt collection, as recent as today with a phone call.

I realize your office probably doesn't determine civil liability or damages but I was wondering if the PUC would issue a finding based on the facts so at least I know if I am being informed properly. According to SDCL 49-32-6 all overhead utility lines need to be a minimum of 18' over public roadways. In my limited research, neither the City of Ipswich or Edmunds County has a code or ordinance so it is my understanding that it would revert to the state code.

This incident is not something that I would want to happen again and I am continually educating my employees about safety both in the field and especially on the road. That being said, I felt my employee reacted fairly well by stopping quickly, contacting me, and not getting out of the tractor until directed to do so.

Thank you for your time and consideration. I look forward to your reply if possible.

Sincerely,
Allen Beyers