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ATTORNEY GENERAL



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May 24, 2021

James H. Gallegos  
Executive Vice President and General Counsel  
ALLIANT ENERGY CORP.  
4902 N. Biltmore Lane  
Madison, WI 53718-2148

RE: One Call Violations

Dear Mr. Gallegos:

I am an attorney with the Iowa Attorney General's Office ("Office"), and our office is responsible for investigating complaints of alleged violations of Iowa's One Call law (Iowa Code chapter 480). The alleged violations may include conducting excavations contrary to the requirements set forth in the statute, but also the untimely or inaccurate locating and marking of underground facilities.

The State has received numerous complaints over the last three (3) years against Alliant Energy Corp. ("AEC"), alleging the company has repeatedly failed to accurately locate and mark underground facilities. The Iowa Utilities Board ("IUB") conducted investigations, on behalf of our Office, about whether the locating and marking of the underground facilities at issue in these complaints was conducted in compliance with Iowa law.

As indicated in the attached spreadsheet, after reviewing the investigatory files for the complaints against AEC, our Office has confirmed AEC violated Iowa's One Call Law on seven (7) separate occasions in the prior three (3) years. Also attached are the summaries prepared by the IUB for each of the seven cases. Complete investigative files for each case are available if requested but have not been provided due to size of the files.

In most of the seven cases AEC, through Vanguard Utility Partners, Inc. ("Vanguard")—whom AEC has contracted with to conduct locating and marking services on its behalf to meet the requirements of Iowa's One Call law—admits to the violation. In one instance, AEC argues no violation occurred, but, as indicated in the parenthetical in "Response/Remedy" column of the attached spreadsheet, our Office disagrees and concludes AEC committed a violation.

As I am sure you are well aware, violations of Iowa's One Call requirements can lead to delays in completing planned excavations, resulting in increased expenses and labor for excavators and those who hire excavators to conduct excavations. Violations involving the inaccurate locating and marking of underground facilities are particularly concerning because they can lead to striking and damaging of underground facilities, which in turn can cause injury, or worse, to excavators, workers, first responders, and citizens, and/or lead to the loss of essential services to customers, businesses, and governmental agencies.

Failure to timely and accurately mark the "horizontal location of the operator's underground facility" constitutes a violation of Iowa Code section 480.4(3)(a)(1). Iowa Code section 480.6(1)(a) authorizes the Attorney General to seek civil penalties up to a maximum of Ten Thousand Dollars (\$10,000) per day of each such violation involving natural gas pipelines. Iowa Code section 480.6(1)(b) authorizes the Attorney General to seek civil penalties up to a maximum of One Thousand Dollars (\$1,000) per day of each such violation to all other underground facilities. Injunctive relief is also authorized pursuant to Iowa Code section 480.7.

Our Office understands that AEC receives thousands of locate requests each year, and while our Office appreciates AEC's substantial compliance with and long-standing support for Iowa's One Call program, the purpose of this letter is to advise that the Iowa One Call statute must be strictly complied with. Notwithstanding AEC's past compliance and support, failure to comply in the future and eliminate the untimely and inaccurate locates of AEC's underground facilities may result in judicial enforcement proceedings initiated by our office pursuant to Iowa Code sections 480.6 and 480.7.

Thank you for your attention to this matter.

Sincerely,

*Jacob Larson*

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