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October 17, 2019

Brant Anderson  
433 17<sup>th</sup> Street SW  
Altoona, Iowa 50009

Wesley Alexander  
427 17<sup>th</sup> Street SW  
Altoona, Iowa 50009

RE: One Call Violations – Polk County

Dear Messrs. Anderson and Alexander:

It has come to our attention that on or about September 29, 2018, one or both of you conducted excavations at 427 and 433 17<sup>th</sup> Street SW in Altoona, Iowa, to install drainage tile, potentially in violation of the “Iowa One Call” statute, Iowa Code chapter 480.

The Iowa Utilities Board (“IUB”) conducted an investigation into this matter and the facts show that, although one or both of you placed locate requests (Ticket Nos. 182671089 and 182673160), the tickets expired on Oct. 13 and 14, 2018, respectively, and excavations may have occurred beyond that date but the tickets were not renewed. Iowa Code section 480.4(1)(a) provides that a locate request is valid for 20 calendar days from the date the notice was provided and must be renewed after it expires.

In addition, it appears a CenturyLink cable was damaged during the excavations and spliced back together by someone other than a CenturyLink representative in violation of Iowa Code section 480.5, which provides that if damage occurs, an excavator shall refrain from covering up the damage until it has been investigated by the owner or operator of the underground facility.

Finally, although underground facilities had been located and marked, heavy equipment (a backhoe) may have been used within the “tolerance zone” of those facilities. Iowa One Call’s “Excavators Manual” provides that:

Excavators should observe this tolerance zone and take precautionary measures to avoid encountering underground facilities when excavating near or within this area. When excavations take place within the tolerance zone, excavators should

hand-dig test holes to determine the location of the underground facilities. No equipment or machinery, other than accepted procedures, such as vacuum excavation, should be used for exposing underground facilities within the tolerance zone. (Available at <http://iowaonecall.com/wp-content/uploads/2018/08/IowaExcavatorManual-web.pdf>, p. 29).

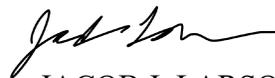
As I am sure you are well aware, striking and damaging underground facilities can have tragic results. You are both fortunate the aforementioned incident did not result in injury, or worse, to yourself, and underground facility employees, or first responders.

Failure to provide 48-hours notice of the excavation constitutes violation of Iowa Code sections 480.1A, 480.4(1)(a), and 480.4(1)(b)(1)-(8). Failure to exercise due care in excavating in a marked area to avoid damaging underground facilities constitutes a violation of Iowa Code sections 480.1A and 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.

The purpose of this letter is to advise that the Iowa One Call statute must be strictly complied with. Failure to comply 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,



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