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December 27, 2018

James Nelson
1306 N. 16th Street W
Clear Lake, Iowa 50428

RE: One Call Violations – Worth County

Dear Mr. Nelson:

It has come to our attention that on or about November 9, 2017, you conducted excavations with a mechanical auger in Worth County, near Wheelerwood Road (north of 365th Street), Hanlontown, Iowa, to install posts for a gate, without providing 48-hours notice of the planned excavation to the owners and operators of underground facilities. As a result, underground facilities on the property, potentially including fiber optic cable lines, telephone lines, electrical lines, and natural gas transmission lines, were not located and marked prior to the excavations. Your equipment came within forty (40) feet of 12-inch natural gas or hazardous liquid pipeline. As I am sure you are well aware, striking and damaging underground facilities can have tragic results. You are fortunate that this incident did not result in injury, or worse, to any of your employees, pipeline employees, or first responders.

Although you had placed locate request on November 14, 2016, for prior excavations at the site, you failed to timely renew the locate request after it expired. 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. The excavation conducted on November 9, 2017, were conducted in violation of Iowa Code section 480.4(1)(a) because the November 14, 2016 locate request for the excavation had expired.

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)(c)(1)-(8). 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.

Notice of a planned excavation must be given by either filing a ticket online at www.iowaonecall.com or calling the One Call Notification Center at 1-800-292-8989 or 811 at least 48 hours prior to the excavation.

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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