

THOMAS J. MILLER  
ATTORNEY GENERAL



1305 E. WALNUT ST.  
DES MOINES, IA 50319  
Main: 515-281-5164 • Direct: 515-281-5341  
Email: [jacob.larson@ag.iowa.gov](mailto:jacob.larson@ag.iowa.gov)  
[www.iowaattorneygeneral.gov](http://www.iowaattorneygeneral.gov)

IOWA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
Environmental Law Division

October 14, 2019

Josh Mielk  
Underground Manager  
Kline Electric  
6355 NE 14<sup>th</sup> St  
Des Moines, Iowa 50313

RE: One Call Violations – Story County

Dear Mr. Mielk:

It has come to our attention that on or about March 22, 2019, Kline Electric (“Kline”) conducted excavations with a backhoe at 603 S 16<sup>th</sup> Street, Ames, Iowa, to install electrical lines, without providing 48-hours notice of the planned excavation to the owners and operators of underground facilities. As a result, underground facilities, including a 1-inch diameter natural gas pipeline under 25 pounds per square inch of pressure (psi), were not located and marked prior to the excavations. During the March 22, 2019 excavation, Kline hit and damaged the 1-inch diameter pipeline, resulting in remediation costs to the pipeline company.

As Kline acknowledged in its response to the Iowa Utilities Board’s investigation, although the company had placed locate request on March 12, 2019, for an excavation, the address for that excavation was 720 S Duff Ave, not 603 S 16<sup>th</sup> Street.

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). 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](http://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.

While our office appreciates Kline’s efforts to review this incident to avoid future recurrences, as well as the company’s 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 Kline's past compliance and support, failure to comply in the future 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 J. LARSON  
Assistant Attorney General  
Office of Iowa Attorney General  
Environmental Law Division  
Phone: (515) 281-5341  
E-mail: [jacob.larson@ag.iowa.gov](mailto:jacob.larson@ag.iowa.gov)