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April 24, 2018

Mark V. Smith
Agent for
SMITH EXCAVATING, INC.
515 Union Street
Sumner, Iowa 50674

RE: One Call Violations – Fayette County

Dear Mr. Smith:

It has come to our attention that on or about November 29, 2017, Smith Excavating, Inc (“Smith Excavating”) conducted excavations in rural Fayette County, near the intersection of 140th Street and X Avenue, without providing 48-hours notice of the planned excavation to the owners and operators of underground facilities. 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 300 feet of a 4-inch diameter natural gas pipeline under 791 pounds per square inch of pressure. As I am sure you are well aware, striking and damaging natural gas pipelines 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.

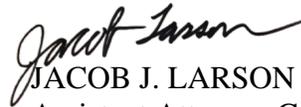
Failure to provide 48-hours notice of the excavation constitutes violation of Iowa Code sections 480.1A, 480.4(1)(a), and 480.4(1)(c)(1)-(8). Iowa Code section 480.6(1)(a) authorizes the Attorney General to seek civil penalties up to a maximum of Ten Thousand Dollars (\$10,000) per day of each such violation 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,



JACOB J. LARSON

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