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ATTORNEY GENERAL



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January 18, 2019

Toni Watts-McDonald
President
WATTS ELECTRIC COMPANY
13351 Dovers Street
Waverly, NE 68462

RE: One Call Violations – Pottawattamie County

Dear Toni Watts-McDonald:

It has come to our attention that on or about August 27, 2018, Watts Electric Company (“Watts Electric”) conducted excavations to install underground electric signage in Pottawattamie County, Iowa, at the intersection of South 32nd Street and Broadway in Council Bluffs, Iowa, 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.

During the August 27, 2018 excavation, Watts Electric hit and damaged a 2-inch diameter natural gas pipeline under 35 pounds per square inch of pressure, resulting in remediation costs to the pipeline company. 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, underground facility employees, or first responders.

In addition, there is a discrepancy about whether Watts Electric notified Black Hills Energy of the damaged natural gas pipeline. Please be advised that failure to notify the owner or operator of damage to an underground facility as a result of an excavation constitutes a violation of Iowa Code § 480.5.

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 or calling the One Call Notification Center at 1-800-292-8989 or 811 at least 48 hours prior to the excavation.

The State appreciates that you have reviewed the company's locate request policy with the supervisor responsible for this matter and disciplinary action. In addition, the State notes Watts Electric's historic compliance with Iowa's One Call requirements.

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,

A handwritten signature in black ink that reads "Jacob J. Larson". The signature is fluid and cursive, with the first name "Jacob" being the most prominent.

JACOB J. LARSON
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