

MEMORANDUM

TO: Commissioners Clark, Cramer, and Kalk
FROM: Christopher Marohl, Public Utility Analyst *CM*
DATE: February 8, 2012
RE: **Damage Prevention Enforcement – Case No. PU-11-298**

Commissioners,

On June 20, 2011 Otter Tail Power Company filed a third party damage complaint against Kindred Plumbing and Heating. Kindred Plumbing and Heating was digging in two-to-three feet of soil that it had previously filled near Otter Tail facilities. There were no injuries or damage involved.

In the course of Commission Staff conducting its investigation, and following discussions between Kindred Plumbing and Heating and Otter Tail, Otter Tail has chosen to withdraw its complaint. In Otter Tail's withdrawal letter they stated they would not hesitate to file another complaint if they suspect a violation of ND One Call law, even in a similar situation as this.

Staff has been in continuous contact with Kindred Plumbing and Heating and believes through the course of this complaint and one previous complaint (PU-10-649) that the company should have an astute appreciation for utilizing the ND One Call system in the future. Staff will not pursue this case any further and will close the case unless we hear otherwise from you by February 16.

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