

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

APR 18 2012

In the Matter of the Investigation of **Bob**)
Bergkamp Construction Co., Inc. of Wichita,)
Kansas, Regarding the Violation of the Kansas)
Underground Utility Damage Prevention Act and)
the Commission's Authority to Impose Penalties)
and Injunctive Relief.)

by
State Corporation Commission
of Kansas

Docket No. 12-DPAX-730-SHO

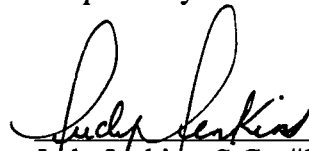
STAFF'S ERRATA TO MOTION TO SHOW CAUSE

The Staff of the State Corporation Commission of the State of Kansas (Staff) files this Errata to Staff's Motion to Show Cause filed on April 16, 2012. Staff's correction is as follows:

1. Paragraph four (4) beginning on page one (1) of the Motion, incorrectly explains Staff's allegation of the violation of K.S.A. 66-1809. Therefore, this Errata deletes the content of paragraph four (4) in its entirety and replaces it with the following:

Staff's review of the Kansas One Call records showed that Respondent had a valid Kansas One-Call ticket at the time of the damage. Staff's investigation also indicated that the pipeline was properly marked by KGS prior to the excavation. However, Staff's investigation revealed that the manner in which the equipment operator used the machinery within the tolerance zone was unreasonable under the circumstances existing at the time of the excavation; therefore, the excavator was in violation of its duty to exercise reasonable care as required in K.S.A. 66-1809.

Respectfully submitted,



Judy Jenkins, S.Ct. #23300
Litigation Counsel

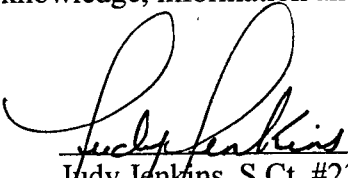
Kansas Corporation Commission
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Topeka, Kansas 66604
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For Commission Staff

VERIFICATION

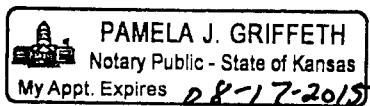
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Judy Jenkins, of lawful age, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing *Errata to Staff's Motion to Show Cause* and attests that the statements therein are true to the best of her knowledge, information and belief.



Judy Jenkins, S.Ct. #23300
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 18th day of April 2012.





Notary Public

My Appointment Expires: August 17, 2015

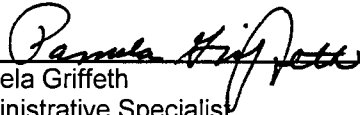
CERTIFICATE OF SERVICE

12-DPAX-730-SHO

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Staff's Errata to Motion to Show Cause was placed in the United States mail, postage prepaid, or hand-delivered this 18th day of April, 2012, to the following:

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Hand Delivered



Pamela Griffeth
Administrative Specialist