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RECYCLE

November 27, 2007

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**CITY MANAGERS OFFICE
LAWRENCE, KS**

Mr. David Corliss, City Manager
City of Lawrence
P.O. Box 708
Lawrence, KS 66044

Dear David:

As you are aware I wrote to Chuck Soules on October 19, 2007 raising concerns about ongoing safety issues our company and other contractors are experiencing with Aquila gas lines. Chuck recently responded acknowledging that such problems exist and in fact indicated that they are not limited to Aquila, but such problems also exist with lines of other utility companies. I have responded to Chuck and have enclosed a copy of my response.

I noted on this weeks City Commission Agenda that Aquila has submitted a request to the City to transfer their franchise to Black Hills Energy and that this issue is tentatively scheduled for the December 11, 2007 City Commission meeting. I believe this presents an excellent opportunity for the City to discuss the issues I have raised with Aquila representatives and determine whether they are willing to address the issues. I am willing to participate in such discussions if that would be helpful.

For the record I am also requesting that the discussion of the transfer of the Aquila franchise be placed on the Regular Agenda when it goes before the City Commission so that I would have the opportunity to address these issues before the Commission if they are not previously resolved.

Sincerely,

Stephen E. Glass
President

Encl.



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November 27, 2007

Mr. Chuck Soules, Director of Public Works
City of Lawrence
P.O. Box 708
Lawrence, KS 66044

Dear Chuck:

Thank you for your letter of November 20, 2007 in response to my concerns about improperly installed gas lines within the City of Lawrence. I am encouraged by your acknowledgement of the scope of the problem not only with gas lines, but with many other utilities also. As you indicate this is not just a problem for contractors as the City maintenance crews are faced with the same issues in performing their work.

I appreciate your suggestion that the issue be reviewed with the utilities as their franchise agreements come up for renewal, however, I have two concerns with that approach. First my reading of the current franchise agreement with Aquila (Kansas Public Service) indicates that it does not come up for renewal until November 2, 2009. This means that the dangers I have previously identified would exist through two more construction seasons without resolution, which I believe is unacceptable. Second I have raised similar concerns with City staff in the past and have experienced resistance from senior staff in addressing the issue. To this point in time I have no indication that such resistance will not continue to occur.

I also appreciate your offer for us to attend the monthly utility meetings and will discuss this with Dena. I am not hopeful that much can be accomplished through this approach as it is my understanding that the utility company representatives that attend these meetings are field level representatives who likely have limited authority to make policy changes. Therefore I am skeptical as to how much can be accomplished through the utility meetings.

Again I appreciate your acknowledgement that problems with underground utilities exist and result in delays and additional costs on construction projects. I am enclosing a copy of a letter that I am sending to the City Manager concerning another approach to addressing the issues with Aquila.

Sincerely,

Stephen E. Glass
President

Encl.