



ATTORNEY GENERAL OF MISSOURI

CATHERINE L. HANAWAY

In the Matter of:
Missouri 811

CID NO. _____
Date: September 25, 2025

INVESTIGATIVE DEMAND

THE ATTORNEY GENERAL TO:

Missouri 811
Attn: Legal Dept
Address: 824 Weathered Rocks Rd
Jefferson City, MO 65101

The Attorney General of the State of Missouri believes it to be in the public interest that an investigation be made to ascertain whether the member utilities of Missouri 811 and their agents (collectively "Subjects") have engaged in or are engaging in conduct contrary to the public interest in violation of Chapter 407, RSMo, and sections 319.022-045, RSMo.

The investigation will inquire into the activities of Missouri 811's member utilities and their participation in the Missouri 811 system, as defined in §§ 319.022-045, RSMo.

The Attorney General believes you have information, documentary material or physical evidence relevant to the above-mentioned belief of suspected violation.

Except for disclosure to employees or counsel as necessary to facilitate your compliance with this investigation demand, or disclosure you are required to make by law, you are requested not to disclose the existence of this Investigative Demand. Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of the law. Please advise employees that this request is confidential.

DEFINITIONS



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As used in this Demand, the following terms have the meanings described below:

“Identify”, when used with respect to a person or entity, means information sufficient to allow employees of the Attorney General to ascertain the name, address, telephone number, and if not a natural person, the contact person of the entity or facility to be identified, as well as the relationship of that person or entity to you.

“Identifying”, when used with respect to a fact or event, means information sufficient to allow employees of the Attorney General to ascertain the fact or event with reasonable particularity, and to identify each person believed to have knowledge with respect to the fact or event and each document that refers or relates to the fact or event.

“Document” means all written, printed, typed, and recorded matter of every kind and description, originals and copies, and all attachments and appendices thereto. Without limiting the foregoing, "documents" include all agreements, contracts, correspondence and other communications including notes, memoranda and marginal notations, records, reports, books, manuals, instructions, statistical data and data compilations, drafts, charts, graphs and tables, bills, statements and invoices, advertising, surveys, transcripts, microfilm and microfiche, electronic records that can be reproduced in paper form, recordings, film, tapes, photographs, electronic mail and Web pages, and all other computer-generated, computer-stored, or electronically-stored matter, however and by whomever produced, prepared, reproduced, disseminated, or made.

“Relating to”, “related to”, “relate to” means to be relevant in any way to the subject matter in question, including without limitation all information that directly or indirectly contains, records, reflects, summarizes, evaluates, refers to, is pertinent to, indicates, comments upon, or discusses the subject matter; or that states the background of, or was the basis for, or



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that records, evaluates, comments, was referred to, relied upon, utilized, generated, transmitted, or received in arriving at any conclusion, opinion, estimate, position, decision, belief, policy, practice, course of business, course of conduct, procedure, or assertion concerning the subject matter.

“**You**”, including your, means Missouri 811, subsidiaries, partnerships, or any other entities related to Missouri 811.

DEMAND FOR INFORMATION

Please restrict your search for all information requested below to the period from October 1, 2023 to January 1, 2026.

Demand is hereby made upon you, under the authority granted by Section 407.040, RSMo, to produce in person, via mail or email to **Aly Bacon, at the Office of the Attorney General, 221 W. High St., Jefferson City, MO, 65101, by September 25, 2025**, the following documentary material and information that may be in your possession, custody or control, and permit the inspection and copying thereof:

1. A list identifying all member utilities which, during the relevant time period, failed to locate and mark their facilities within 48 hours of receiving notice by Missouri 811 of an intent to excavate, at a rate of 5% or higher. For each member utility identified, include the following information:
 - a. Number of instances when the utility failed to locate and mark their facilities;
 - b. Dates of instances when the utility failed to locate and mark their facilities;
 - c. Locations of instances where the utility failed to locate and mark their facilities;
 - d. Missouri 811 ticket numbers relating to each instance where the utility failed to locate and mark their facilities;
 - e. Rate that the utility failed to locate and mark their facilities after receiving notice of an intent to excavate.



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2. A list identifying all member utilities which, during the relevant time period, provided inaccurate or incorrect underground facility locate markings in response to Missouri 811 notice of an intent to excavate, at a rate of 5% or higher
 - a. Number of instances when the utility inaccurately or incorrectly located their facilities;
 - b. Dates of instances when the utility inaccurately or incorrectly located their facilities;
 - c. Locations of instances where the utility inaccurately or incorrectly located their facilities;
 - d. Missouri 811 ticket numbers relating to each instance where the utility inaccurately or incorrectly located their facilities;
 - e. Rate that the utility inaccurately or incorrectly located their facilities after receiving notice of an intent to excavate.

For each Demand for Information, you shall type the Demand and type your corresponding response. If you do not know the answer to a Demand for Information, you shall identify in your response the individual or business entity that has the answer to the Demand for Information. The document on which you type each Demand and your corresponding response shall be executed by you before a Notary Public.

DEMAND FOR DOCUMENTS

Please restrict your search for all information requested below to the period from October 1, 2023 to January 1, 2026.

Demand is hereby made upon you, under the authority granted by Section 407.040, RSMo, to produce in person, via mail or email to **Aly Bacon, at the Office of the Attorney General, 221 W. High St., Jefferson City, MO, 65101, by September 25, 2025**, the following documentary material that may be in your possession, custody or control, and permit the inspection and copying thereof:



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3. Any and all “No Response” tickets submitted by excavators in the relevant time period that relate to member utilities identified in Demand for Information No. 1. Please include the following information:
 - a. Worksite location;
 - b. Date of locate request;
 - c. Project start date;
 - d. Utilities responsible for marking;
 - e. Photographs taken at worksite;
 - f. Locate request and ticket issued.
4. Any and all “Incorrect Locate” tickets submitted by excavators in the relevant time period that relate to member utilities identified in Demand for Information No. 2. Please include the following information:
 - a. Worksite location;
 - b. Date of locate request;
 - c. Project start date;
 - d. Utilities responsible for marking;
 - e. Photographs taken at worksite;
 - f. Locate request and ticket issued.
5. Any and all reports, charts, graphs, or studies containing statistics of instances where member utilities failed to locate and mark their facilities within 48 hours of receiving notice by Missouri 811 of an intent to excavate.
6. Any and all reports, charts, graphs, or studies containing statistics of instances where member utilities provided inaccurate or incorrect underground facility locate markings in response to Missouri 811 notice of an intent to excavate.
7. Documents produced by member utilities in response to “No Response” or “Incorrect Locate” tickets.



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8. Any and all complaints about the member utilities identified in Demand for Information No. 1.
9. Any and all complaints about the member utilities identified in Demand for Information No. 2.

NOTICE OF DEMAND FOR RETENTION OF RECORDS

You are hereby notified that all records, including communications, documents and things, relating to the above requests and the matters that are the subject of these requests for information are to be preserved during the pendency of this investigation. This includes, but is not limited to, all related customer records, including recordings made of customers, all related correspondence and other communications with third parties, all related documents and things received from third parties, and all internal documents and things.

COMPLIANCE

You may comply with this Investigative Demand by producing copies of the requested documents and information by regular mail, overnight delivery or email to produce in person, via mail or email to **Aly Bacon, at the Office of the Attorney General, 221 W. High St., Jefferson City, MO, 65101, by October 31, 2025.** The requested copies of documents and information should be received by the Office of the Attorney General by November 1, 2025, and additional documents responsive to this demand shall be produced in a continuing manner as you obtain them.

You are advised that the Attorney General will not grant an extension of time or modification of the terms of the Demand except for good cause pursuant to the terms of Section 407.070, RSMo. Your prompt response and provision of the requested information is requested.

Your attention is respectfully called to the provisions of Section 407.080, RSMo, which makes certain acts done with the intent to avoid, evade or prevent compliance in whole or in part with any Investigative



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Demand served hereunder a Class A misdemeanor, which is punishable by a fine not to exceed \$1,000.00 for individuals and \$5,000.00 for corporations, or by imprisonment for a term of not more than one year, or both a fine and imprisonment.

Please direct all questions regarding this Investigative Demand to Aly Bacon at (573) 751-8770 or by e-mail to Aly.Bacon@ago.mo.gov.

Respectfully Submitted,

CATHERINE L. HANAWAY

Attorney General

/s/_____

Alyssa Bacon

Assistant Attorney General