Safe digging is no accident. Always call 811 before digging.

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Call before you dig.

811®

August 22, 2012

MPNEXLEVEL
500 County Rd. 37 East
Maple Lake, MN 55358

Mr. Jay Jorgensen
TM Rural Water District
110 N. Main St.
Parker, SD 57053
Jay.Jorgensen@tmruralwater.com

Please find attached, a copy of the South Dakota One Call Enforcement Panel conference call Agenda scheduled for Wednesday August 29, 2012 at 9:30 AM Central Daylight Savings Time, 8:30 AM Mountain Daylight Savings Time. I would encourage you to join the call, but as the Agenda states no comments will be taken from either party at this time. Only the written documentation provided by the complainant and the defendant will be considered, per SDCL 49-7A-25.

If you have any procedural questions, please feel free to contact me.

Thank you.

Larry L. Janes
Executive Director
South Dakota One Call
(605) 339-0529
exedir@sdonecall.com

cc: Mr. Jorgensen via email

AGENDA

South Dakota One Call Notification Board
Enforcement Panel Conference Call

Wednesday, August 29, 2012
9:30 AM Central Daylight Savings Time, 8:30 AM Mountain Daylight Savings Time

The Enforcement Panel of the South Dakota One Call Board will consider each of the following South Dakota One Call Complaints:

OC12-011 - In the Matter of the Complaint Filed by Northern Natural Gas Company, Harrisburg, South Dakota, Against John Wellnitz, Yale, South Dakota, for an Incident Occurring on July 12, 2012, in Yale, South Dakota. On July 17, 2012, Northern Natural Gas company filed a complaint against John Wellnitz, alleging that Mr. Wellnitz damaged a high pressure natural gas line while excavating without a locate ticket. Mr. Wellnitz responded on August 1, 2012 that he was not aware of the law to call 811 before digging. He stated that he has now read the handbook sent to him and has placed visual reminders on his equipment in order to avoid future incidents.

Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that John Wellnitz violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?

OC12-012 - In the Matter of the Complaint Filed by Watertown Municipal Utilities, Watertown, South Dakota, Against Stromseth Construction, Watertown, South Dakota, for an Incident Occurring on July 28, 2012, in Watertown, South Dakota. On July 31, 2012, Watertown Municipal Utilities filed a complaint against Stromseth Construction alleging that Stromseth Construction damaged a natural gas line while digging without a locate ticket in company name and not exposing a facility in a manner that does not damage a facility. Stromseth Construction did not respond to the complaint.

Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that Stromseth Construction violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?

OC12-013 - In the Matter of the Complaint Filed by TM Rural Water District, Parker, South Dakota, Against MP Nexlevel, LLC, Maple Lake, Minnesota, for an Incident Occurring on July 24, 2012, in Rural Salem, South Dakota. On August 2, 2012, TM Rural Water District filed a complaint against MP Nexlevel, LLC. Alleging that MP Nexlevel did not follow the 18 inch minimum clearance rule by hand digging and damaged a 5 inch rural water main. MP Nexlevel LLC. responded on August 20, 2012 stating that they were under the impression that the locate flags were bowed out about 3 feet.

Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that MP Nexlevel, LLC. violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?

OC12-014 - In the Matter of the Complaint Filed by TM Rural Water District, Parker, South Dakota, Against MP Nexlevel, LLC,Maple Lake, Minnesota, for an Incident Occurring on July 26, 2012, in Rural Salem, South Dakota. On August 2, 2012 TM Rural Water District filed a complaint against MP Nexlevel LLC. alleging that MP Nexlevel LLC excavated on private right-of-way outside the area described on the locate ticket, therefore not having a valid locate at the site of the damaged 2 inch rural water line. MP Nexlevel responded on August 20, 2012 stating that once the route changed they should have called in an amended ticket.

Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that MP Nexlevel, LLC. violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?

OC12-015 - In the Matter of the Complaint Filed by TM Rural Water District, Parker, South Dakota, Against MP Nexlevel, LLC,Maple Lake, Minnesota, for an Incident Occurring on August 1, 2012, in Rural Salem, South Dakota. On August 2, 2012 TM Rural Water District filed a complaint against MP Nexlevel LLC. alleging that MP Nexlevel LLC drove over and damaged a water valve riser and clean out. MP Nexlevel LLC. responded on August 20, 2012, stating the valve was not identified with a marker, therefore MP Nexlevel LLC is not responsible for the damage.

Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that MP Nexlevel, LLC. violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?

Only the written information provided by the Complainants and the written responses from the defendants will be considered per SDCL 49-7A-25. No comments from either party involved in the complaints will be taken during the call.

Note: Please call (605) 339-0529 at least 10 minutes prior to the call for call-in instructions. We have limited ports available on the conference bridge, so if you do plan to call in, please conference in on one line.

Larry L. Janes
Executive Director
South Dakota One Call
exedir@sdonecall.com
(605) 339-0529