

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT) ENFORCEMENT PANEL
FILED BY TM RURAL WATER DISTRICT) RECOMMENDATION TO
AGAINST MP NEXLEVEL, LLC) THE SD ONE CALL BOARD
FOR AN INCIDENT OCCURRING ON)
AUGUST 1, 2012 IN SALEM, SOUTH DAKOTA)
) OC12-015

On August 2, 2012 the South Dakota Public Utilities Commission received a complaint from TM Rural Water District (herein "TM") of Parker, SD against MP Nexlevel, LLC (herein "Nexlevel") of Maple Lake, MN.

A copy of the complaint was sent to Nexlevel on August 3, 2012. Nexlevel responded to the Complaint on August 20, 2012.

On August 29, 2012, pursuant to SDCL 49-7A-22 a panel of five One Call Board members (herein "Panel") convened. The Panel met to determine whether probable cause exists to believe the violation occurred as described in the complaint. The Panel found sufficient, clear evidence was not presented to determine probable cause exists to believe a violation of One Call laws or rules occurred.

The Panel finds it proper to dismiss the Complaint.

The Panel recommends the South Dakota One Call Board accept its findings and recommendations herein. If either party to this Complaint disagrees or objects to the recommendations or findings herein, a hearing may be requested. To request a hearing you must reply within twenty days from the date of service of this notice. Failure to request a hearing is considered acceptance of the recommendations and findings herein.

The South Dakota One-Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A and ARSD 20:25.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile by first class mail, or by other electronic means.



Larry L. Janes, Executive Director

Date 9-7-2012