

South Dakota One Call Notification Board
PO Box 187
Rapid City, SD 57709

IMPORTANT: This form is provided only as assistance in preparing your South Dakota One Call Complaint. Although it is not required, we encourage you to use this form. Please be as thorough as possible to assist the Enforcement Panel in making its determination. You may include additional information as necessary.

Complaint filed on behalf of or by:	NorthWestern Energy
Contact Person:	Cassandra Russell
Phone	(605) 353-7615
Name or Company Name	NorthWestern Energy
Street Address or PO Box	600 Market St W Huron, South Dakota 57350 United States
Email	cassandra.russell@northwestern.com
Date	Jun 04, 2021
Name of excavator / facility operator:	MP Nexlevel LLC
Phone	(573) 529-6767
Name or Company Name	Paul Speakman
Street Address or PO Box	500 County Rd 37 NW Maple Lake, South Dakota 55358 United States
Email	paul.speakman@mpnexlevel.us
Is this party aware of your allegations?	Yes

Provide detail including whom you spoke with:

I spoke with Paul Speakman on 05/21/21 after the two hits on 05/20/21 to discuss the damages. I advised Paul that he was not following SD 811 laws and not calling in locates properly for the dig area or the company information.

ALL SPECIFIC STATUTES AND ADMINISTRATIVE RULES MUST BE STATED:

49-7A-12: Notification of damage to underground facility.

MP Nexlevel LLC did not call in a damage locate after hitting a 1/2" plastic gas service for 401 E 5th Ave.

49-7A-5: Notification of proposed excavation.

Paul Speakman was calling in the locates as if he was the excavator. Actually it is the company MP Nexlevel LLC and Paul is the foreman which is not actually doing the excavating. MP Nexlevel LLC also called in the locate to locate the west side of the alley and they were digging on the east side.

Other information to support your position:

I talked to Paul Speakman on 05/21/21 and he indicated that they decided to switch sides when they arrived on site because of obstacles. I explained he would have needed to call in new locates. Also, to call in the locates under MP Nexlevel LLC and not his name as that is a violation. He did not seem to be taking the locating seriously and continues to hit NorthWestern Energy facilities on both the gas and electric side.

Street Address / location of alleged violation: 401 E 5th Ave

City Groton

State SD

Date of alleged violation: May 20, 2021

Time of alleged violation: 04:00 PM

Describe your allegation:

Paul Speakman was calling in locates incorrectly and then decided to switch sides in the alley. When I spoke with Paul there seemed to be some confusion because himself and his boss Troy were calling in locates. I explained the violations and he seemed to dismiss them a bit. I explained that he would be responsible for the damage as he was excavating outside of the excavation area and not preserving marks very well. In addition, he did not call in damage locates which is a requirement. After the hit at approximately 4pm there was another hit at about 4:45pm.

Do you believe the alleged violation to be intentional? Not Sure

Why or why not?

I don't think MP Nexlevel has a completely organized operation so I do not believe the damages to be intentional, but after speaking with Paul it did not get better.

Was a locate requested from SD One Call? Yes

Locate ticket #: 2113102839

Start date on ticket: May 13, 2021

Start time on ticket: 08:45 AM

Did the excavator wait until the start date / time on the ticket before commencing excavation? Yes

Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment? NA

Explain

The service was not marked because it was outside of the excavation area explained on the locate ticket.

Were buried facilities exposed by hand or non-invasive equipment prior to excavation?	No
Were facilities marked?	No
Was the marking complete prior to the start time on the ticket?	NA
Did the excavator pre-mark with white paint?	No
Was the facility marked accurately (within 18 inches)?	NA
Did the excavator use reasonable care to maintain locate marks for the life of project?	NA
Type of facility involved:	Natural gas
Operator of facility (if known):	NorthWestern Energy
Operator address (Street or PO Box):	600 Market St W Huron, South Dakota 57350 United States
Operator Phone	(800) 245-6977
Depth of Cover (If unsure put N/A)	3ft
Pressure: (If none, write none)	20psi
Voltage: (If none, write none)	none
# of cable pairs: (If none, write none)	none
Was the facility damaged?	Yes

If yes, provide detail and an estimate of damage:

A 1/2" plastic gas service was damaged and the cost of repair was \$315.09

Were damages on public right of way or private property? Public

Was anyone injured as a result of facility damage? No

Were there fatalities? No

Was operator service affected? Yes

If yes, provide detail (how many customers for how long):

Customer was without service for approximately 30 minutes.

Was the one-call notification center immediately notified of the damage, dislocation, or disturbance? No

If No, why not?

MP Nexlevel was advised to call 811, but they did not.

Was the operator of the facility immediately notified of the damage, dislocation, or disturbance? Yes

Was there an escape of any flammable, toxic, or corrosive gas or liquid? Yes and 911 was not called

If Yes, but if 911 was not called, or if you don't know, explain why.

911 was not called because the damage was squeezed off and the scene contained quickly.

Please provide a Fire Department or Emergency Services incident report, if available Not Available