

**Formstack Submission For: [South Dakota One Call Complaint Form](#)**

Submitted at 07/29/21 9:24 AM

**Complaint filed on behalf of or by:**

NorthWestern Energy

**Contact Person:**

Cassandra Russell

**Phone Number:**

(605) 353-7615

**Ext:**

**Name or Company Name:**

NorthWestern Energy

**Street Address or PO Box:**

600 Market St W  
Huron, SD 57350

**Fax:**

**Email:**

[cassandra.russell@northwestern.com](mailto:cassandra.russell@northwestern.com)

**Date:**

Jul 29, 2021

**Name of excavator / facility operator:**

MP Nexlevel LLC

**Phone:**

(573) 210-1482

**Ext:**

**Name or Company Name:**

MP Nexlevel LLC

**Street Address or PO Box:**

500 Country Road 37 East  
Maple Lake, MN 55358

**Fax:**

**Email:** [paul.speakman@mpnexlevel.us](mailto:paul.speakman@mpnexlevel.us)

**Is this party aware of your allegations?:** Yes

**The South Dakota One Call Board expects communication to occur between both parties before filing complaints. Please provide details of who you spoke with, including the date and time, and what was discussed.:**

Talked with Paul Speakman about the damage asking what action will be taken going forward to avoid hitting the natural gas facility. He explained they will pull up equipment sooner so to avoid hitting the facilities.

**Statutory Violations:**

49-7A-8  
Excavator shall expose the facility and protect the facility, especially when digging with 18" of locate markings. MP Nexlevel LLC had good locate marks for this location and did not take enough care to prevent damage.

49-7A-10  
Excavator is liable for damage to underground facility.

**Other information to support your position:**

The excavator does not exercise enough caution and this is now the 5th natural gas hit on NorthWestern Energy distribution system. NVC, Northern Electric, NorthWestern Energy, and MP Nexlevel had an all-hands safety meeting in Groton on June 24th due to the issues MP Nexlevel LLC has had in the field. The communication between MP and NWE has been good and I have tried to stress we will do whatever we can to assist in avoiding these natural gas hits. The crew needs to take caution operating their equipment around underground facilities and understand the inconvenience it causes for both companies when these hits occur.

**Street Address / location of alleged violation:** 309 N 2nd St  
Groton, SD

**Date of alleged violation:** Jul 28, 2021

<b>Time of alleged violation:</b>	03:45 PM
<b>Describe your allegation:</b>	MP Nexlevel LLC cut through a 1/2" plastic gas service despite good locate markings.
<b>Do you believe the alleged violation to be intentional?:</b>	No
<b>Why or why not?:</b>	I do not believe the violation to be intentional, just careless excavation.
<b>Was a locate requested from SD One Call?:</b>	Yes
<b>Locate ticket #:</b>	2120354218
<b>Start Date on Ticket:</b>	Jul 26, 2021
<b>Start time on ticket:</b>	07:45 AM
<b>Did the excavator wait until the start date / time on the ticket before commencing excavation?:</b>	Yes
<b>If no or not sure, when did excavation begin (date)?:</b>	
<b>If no or not sure, when did excavation begin (time)?:</b>	
<b>Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?:</b>	No
<b>Explain:</b>	No. The excavator stated he knew the gas line was there from marks but did not maintain 18 inches and ended up cutting through the gas line with his blade.

**Were buried facilities exposed by hand or non-invasive equipment prior to excavation?:** Yes

**Were facilities marked?:** Yes

**Was the marking complete prior to the start time on the ticket?:** Yes

**Did the excavator pre-mark with white paint?:** No

**Was the facility marked accurately (within 18 inches)?:** Yes

**Did the excavator use reasonable care to maintain locate marks for the life of project?:** Yes

**Type of facility involved:** 1/2" plastic natural gas service line

**Operator of facility (if known):** NorthWestern Energy

**Operator address (Street or PO Box):** 600 Market St W  
Huron, SD 57350

**Operator Phone:** (800) 245-6977

**Depth of Cover (If unsure put N/A):** Approx 18"

**Pressure (If none, write none):** 35 psi

**Voltage (If none, write none):** none

<b># of cable pairs (If none, write none):</b>	none
<b>Was the facility damaged?:</b>	Yes
<b>If yes, provide detail and an estimate of damage.:</b>	MP Nexlevel cut through 1/2" plastic natural gas service line. Estimated cost is \$300.
<b>Were damages on public right of way or private property?:</b>	Public
<b>Was anyone injured as a result of facility damage?:</b>	No
<b>If yes, provide detail.:</b>	
<b>Length of hospitalization:</b>	
<b>Were there fatalities?:</b>	No
<b>If yes, provide detail.:</b>	
<b>Was operator service affected? :</b>	Yes
<b>If yes, provide detail (how many customers for how long).:</b>	A single customer was without service for about an hour.
<b>Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?:</b>	Yes
<b>If No, why not?:</b>	
<b>Was the operator of the facility immediately notified</b>	Yes

**of the damage, dislocation,  
or disturbance?:**

**If No, why not?:**

**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.:**

I do not know if excavator called 911.

**Please provide a Fire  
Department or Emergency  
Services incident report, if  
available :**

Not Available

**Attachment:**

**Attachment Information:  
File names should not  
include symbols. Example:(  
\$, &, \*, %, ) etc.:**

[View File](#)