

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

Submitted at 11/02/21 12:01 PM

Complaint Docket Number: OC21-011

Reply filed on behalf of (company name): MP Nexlevel, LLC

Contact Person: Tracy Lipinski, Safety Director

Phone Number: (320) 963-2837

Ext:

Name or Company Name: MP Nexlevel, LLC

Street Address or PO Box: 500 County Road 37 East
Maple Lake, MN 55358

Fax:

Email: tracy.lipinski@mpnexlevel.us

Date: Nov 02, 2021

Were you previously aware of these allegations?: No

Provide detail including whom you spoke with.:

Do you believe the statutes listed (if any) by the complainant were violated?: Yes

Why or why not?:

Do you dispute the alleged violation of SD One Call statute or rule occurred?:

No

If yes, what specifically do you dispute?:

Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation?:

No

If yes, please explain.:

Was a locate requested from SD One Call?:

Yes

Locate ticket #:

2120354218

Start date on ticket:

Jul 26, 2021

Start time on ticket:

07:45 AM

Copy of the locate ticket:

[Direct Link to Image](#)

If no, please explain why no locate request was made.:

Did excavation begin before the start date / time on the ticket?:

No

Was a minimum horizontal clearance of 18 inches maintained between a marked

No

facility and mechanical equipment? :

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

Was the excavation site pre-marked with white paint?:

N/A

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

Yes

Was there reasonable care to maintain locate marks for the life of project?:

No

Did the complainant correctly describe the type of facility involved?:

Yes

Provide details:

1/2" plastic gas service

Did the complainant correctly describe the damages that resulted from the alleged violation?:

Yes

Provide details:

cut 1/2" plastic gas service

Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?:

Yes

File:

If No, why not?:

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

Yes

If No, why not?:

Was there an escape of any flammable, toxic, or corrosive gas or liquid?:

Yes and 911 was contacted by an Excavator

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

Did the complainant correctly describe the damages that resulted from the alleged violation?:

Yes

If no, provide details.:

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

Private

Did complainant correctly describe how operator service was affected?:

Yes

Provide Details:

A single customer was without service for about an hour.

Was anyone injured as a result of facility damage?:

No

If yes, provide details.:

Length of hospitalization:

Were there fatalities?:

No

If yes, provide details.:

Other information regarding injuries or damages:

Describe your plans and procedures to ensure compliance with SD One Call statutes and rules.:

MP Nexlevel's strict company policy states that "All utilities within the work path shall be potholed using hand digging or soft digging (vacuum excavation) methods. No excavation by mechanical means shall occur within the tolerance zone of the located utility (18" or 24" on either side of the locate mark depending on state statute). Excavators/operators are required to maintain the tolerance zone between the cutting edge or point of any power operated excavating or earthmoving equipment. If you cross a utility, you must do so through a pothole. If there is no pothole in your path, you shall dig a new pothole to cross the utility. An observer shall be present to watch the pass through of the bore head, reamer, etc. both going out and coming back to ensure proper clearance is maintained."

Has a complaint been filed against you in the past for SD One Call violations?:

Yes, I don't recall the date

If yes, when was it filed?:

Please provide any additional information to support your position.:

On October 27th, a safety meeting was held with all crew members and Safety. North Western Energy was also invited but at last minute texted that they were not able to attend. Material covered included locate/811 notification process and outline roles and responsibilities of each team member and damage prevention training. Specifically MP Nexlevel's policy on Excavation Damage Prevention Guidelines and South Dakota's 822 laws sections I, II, III, IV, and VII.

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