

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT FILED BY NORTHWESTERN ENERGY, HURON, SD AGAINST MP NEXLEVEL, LLC, MAPLE LAKE, MN FOR AN INCIDENT OCCURRING ON AUGUST 24, 2021 AT 602 NORTH 3RD STREET IN GROTON, SD.	ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD OC21-012
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On September 1, 2021, the South Dakota One Call Notification Board received a Complaint filed by NorthWestern Energy (herein "Claimant"), against MP NexLevel, LLC (herein "Respondent"), for an incident occurring on August 24, 2021, at 602 North 3rd Street, Groton, South Dakota. The Complaint alleges violations of SDCL 49-7A-10 when Respondent did not take enough precaution when digging around natural gas and hitting service lines.

A copy of the Complaint was sent to Respondent on September 3, 2021. The deadline to respond to the Complaint was September 24, 2021. Respondent has answered the Complaint as of November 2, 2021, after the deadline. Respondent does not dispute that violations of South Dakota One Call law occurred. Respondent alleges a 1/2" gas service line was damaged with a plow blade and that 911 was contacted.

On November 4, 2021, the Enforcement Panel (herein "Panel") convened pursuant to the authority present in SDCL 49-7A. SDCL 49-7A-10 is not a statute that the Panel will rule on. Therefore, the Panel recommends the violation of SDCL 49-7A-10 be dismissed.

The Panel recommends the South Dakota One Call Notification 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, a party must reply within twenty (20) 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.