

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE FILING BY)
COMMISSION PIPELINE SAFETY STAFF)
FOR APPROVAL OF A PENALTY FOR A)
PIPELINE SAFETY VIOLATION BY)
MONTANA-DAKOTA UTILITIES CO.)

ORDER DISMISSING
COMPLAINT AND
CLOSING DOCKET

PS13-007

On August 6, 2013, the South Dakota Public Utilities Commission (Commission) received a complaint filed by Pipeline Safety Staff (Staff) requesting that penalties be assessed against Montana-Dakota Utilities Co. (MDU) for a violation of 47 CFR 192.723(b)(1) and 47 CFR 192.723(b)(2).

On August 8, 2013, the Commission electronically transmitted notice of the filing to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. No petitions to intervene or comments were filed. On August 22, 2013, a Notice of Appearance of Brett Koenecke was filed by MDU. Staff filed a Motion to Withdraw Complaint on September 3, 2013, requesting that the Complaint be withdrawn and the docket closed.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34B.

At its regularly scheduled meeting on September 10, 2013, the Commission considered this matter. Commission Staff recommended dismissing the petition and closing the docket. The Commission voted unanimously to dismiss the petition and close the docket. It is therefore

ORDERED that the complaint is dismissed and the docket is closed.

Dated at Pierre, South Dakota, this 11th day of September, 2013.

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, electronically.
By: <u>Tina Douglas</u>
Date: <u>9-11-13</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner