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October 17, 2008

Ms. Patricia Van Gerpen
Executive Director
SD Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501

RE: PS08-001

Dear Ms. Van Gerpen:

As legal counsel for South Dakota Intrastate Pipeline Company, in the above captioned action, I am in receipt of Nathan D. Solem's October 10, 2008 supplemental Report concerning the above filing. I am also in receipt of the three attachments thereto. On behalf of my client, I have no objection or comment concerning the supplemental report.

Sincerely,

/s/ Jim Robbennolt
Jim Robbennolt
Attorney at Law

JR:kd

CERTIFICATE OF SERVICE

James Robbennolt hereby certifies that on the 17th day of October, 2008, he served electronically a true and correct copy of the foregoing letter to Patricia Van Gerpen, in the above captioned action to the following at their last known addresses, to-wit:

Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
Patty.vangerpen@state.sd.us

Kara Semmler
Staff Attorney
South Dakota Public Utilities Commission
Kara.semmler@state.sd.us

Nathan Solem
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David A. Gerdes
Attorney for Montana-Dakota
dag@magt.com

[/s/James Robbennolt](#)
James Robbennolt

BEFORE THE PUBLIC UTILITIES COMMISSION
STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FILING
OF THE INVESTIGATION OF THE
NATURAL GAS INCIDENT OF
FEBRUARY 20, 2008, ON MONTANA-
DAKOTA UTILITIES CO.'S
SYSTEM IN PIERRE, SOUTH
DAKOTA

Docket Number: PS08-001

SDIP'S RESPONSE TO
REQUEST FOR CONFIDENTIAL
INFORMATION

TO: PATRICIA VAN GERPEN, EXECUTIVE SECRETARY

1. Montana-Dakota Utilities Co. ("Montana-Dakota") has filed a request for access to confidential information of South Dakota Intrastate Pipeline's (SDIP) Emergency Procedures Manual and SDIP's Operating and Maintenance Standards Manual.
2. SDIP resists the request of Montana-Dakota regarding the manuals on the basis that the manuals are not relevant to the incident which occurred on MDU's property back on February 20, 2008;
3. SDIP asks that the manuals, which were requested by the Commission Staff after the most recent meeting on condition that the documents would be confidential and not reviewed by anyone other than the Commission and Commission Staff, remain confidential because the reasons stated in the request do not justify access to them by MDU;
4. The request is not calculated to lead to the discovery of admissible evidence since the staff has withdrawn its request for more information and there is no investigation underway in the filing, and the issue is moot;
5. The allegations contained in MDU's request do not support, nor establish a basis for the access requested by MDU. MDU does not have any jurisdiction or authority to investigate and assess the facts regarding the incident on MDU's property on February 20, 2008, except to the extent that MDU's actions or inactions contributed to the incident. Contrary to the Statements made in paragraph 5 of MDU's Request, MDU does not have a responsibility to review and comment on SDIP's manuals requested by it;
6. With regard to paragraph 6 of MDU's Request, SDIP would state that in fact it is in compliance with 49 C.F.R. Section 192.605 and any other applicable sections of the Federal Pipeline Safety Act. Staff has had access to those documents for the entire term of SDIP's existence and has indicated that the manuals maintained by SDIP are fully in compliance with the Code of Federal Regulations.

7. MDU has no inherent due process right to review the identical information that is available to the Commission Staff. The Commission and the Staff are capable of determining whether the manuals, which have been filed confidentially, conform to the requirements of the Federal Rules and Regulations.

8. SDIP respectfully suggests that MDU should allow Commission Staff access to its Emergency Procedures Manual and Operating and Maintenance Standards Manual so that the Staff may assess the contents of those documents and compare them to the manuals presently confidentially filed with the Commission, and then Staff can compare the respective documents to determine compliance with Rules and Regulations.

9. Should the Commission see fit to order that MDU have access to the manual, SDIP would then request that MDU make its Emergency Procedures Manual and Operating and Maintenance Standards Manual available to the Commission and the Staff.

WHEREFORE SDIP objects to Montana-Dakota's request and respectfully asks that the Public Utilities Commission deny the same, or in the alternative that MDU be required to make its Emergency Procedures Manual and Operating and Maintenance Manual available for analysis by the Commission and Staff.

Dated this 17th day of October, 2008.

/s/James Robbennolt
James Robbennolt
Attorney for SDIP
505 W. 9th Street, #101
Sioux Falls, SD 57104
605-336-6775

CERTIFICATE OF SERVICE

James Robbennolt hereby certifies that on the 17th day of October, 2008, he served electronically a true and correct copy of the foregoing SDIP's Response to Request for Confidential Information in the above captioned action to the following at their last known addresses, to-wit:

Patricia Van Gerpen
Executive Director
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Kara Semmler
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