

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

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IN RE:

**DOCKET NO. PS09-001**

In the Matter of the Filing of the  
Investigation of the Natural Gas  
Incident of March 14, 2009, on  
Montana-Dakota Utilities Co.'s System  
in Rapid City, South Dakota.

PETITION FOR LEAVE TO INTERVENE

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Midwest Clutch and Auto Repair (“Midwest Clutch”) and its insurer  
Midwest Family Mutual Insurance Company (“Midwest Family”) by and  
through their undersigned counsel, and pursuant to SDCL 1-26-17.1  
and ARSD 20:10:01:15.02, file their Petition for Leave to Intervene in this  
Docket. In support of their Petition for Leave to Intervene, Midwest  
Clutch and Midwest Family state as follows:

1. Midwest Clutch is a Rapid City business that had its building and contents destroyed by an explosion on March 14, 2009. The total loss is over \$500,000;
2. Midwest Family insures the building and contents;
3. The cause and origin expert hired on behalf of Midwest Clutch opines that Montana Dakota Utilities (“MDU”) is liable for the loss and damage but MDU has not accepted liability for the explosion;
4. Midwest Clutch and Midwest Family are seeking permission to test a ten foot piece of the main gas line to establish additional facts regarding this incident;
5. Midwest Clutch and Midwest Family are represented in this proceeding by counsel listed below;

6. Midwest Clutch and Midwest Family acknowledge that the deadline to submit a Petition for Intervention was April 3, 2009, but respectfully state that the request for intervention at this time is not prejudicial to any party.

WHEREFORE, Midwest Clutch and Midwest Family respectfully request that their Petition for Leave to Intervene be granted.

Respectfully submitted September 10, 2009.

**BANGS, McCULLEN, BUTLER, FOYE  
& SIMMONS, L.L.P.**

By: /s/ Terry G. Westergaard  
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*ATTORNEYS FOR INTERVENORS MIDWEST CLUTCH  
AND AUTO REPAIR AND MIDWEST FAMILY MUTUAL  
INSURANCE COMPANY*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on September 10, 2009, he caused true and correct copies of the above to be served upon each of the persons identified below as follows:

- |                          |                  |                                     |                         |
|--------------------------|------------------|-------------------------------------|-------------------------|
| <input type="checkbox"/> | First Class Mail | <input type="checkbox"/>            | Overnight Mail          |
| <input type="checkbox"/> | Hand Delivery    | <input type="checkbox"/>            | Facsimile               |
| <input type="checkbox"/> | Electronic Mail  | <input checked="" type="checkbox"/> | E-filing on PUC Website |

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