

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

PETITION OF THE COMMISSION)	PS09-002
PIPELINE SAFETY PROGRAM)	
MANAGER FOR DECLARATORY)	
RULING REGARDING WHETHER)	
A PIPELINE OPERATOR'S)	PETITION TO INTERVENE
DOCUMENTED MAXIMUM)	
ALLOWABLE OPERATING)	
PRESSURE CAN EXCEED THE)	
LIMITS IN SDCL 49-41B-2.1)	
WITHOUT A SITING PERMIT)	

COMES NOW Montana-Dakota Utilities Company ("Montana-Dakota") and petitions the Commission to intervene in the captioned docket as follows:

1. Montana-Dakota operates a pipeline under contract for its owner which was intended by its owner to be operated at a hoop stress of less than 20 percent of Specified Minimum Yield Strength as defined by 49 CFR 192.3 as of January 1, 1994. As such, the pipeline was by definition excluded from the Commission's siting regulations in SDCL Ch. 49-41B.


2. Staff's petition is premised upon an assumption which may very well never materialize. The question posed by Staff dealing with operation under conditions other than that which the pipeline is presently operated is premature. The standard set forth in the statute is an operational standard, not a design standard. Any speculation concerning applicability of operation under a design standard is irrelevant and not authorized by law. This issue, therefore, is not ripe for decision.

3. As the operator of a pipeline which comes within the facts set forth in the petition, Montana-Dakota should be entitled to intervene and participate in the proceedings in this docket. As the contract operator of the pipeline, Montana-Dakota is an interested party in the proceeding in that by the outcome of the proceeding Montana-Dakota as operator, and the owner in its ownership position, will be bound or affected either favorably or adversely with respect to an interest peculiar to them, as distinguished from an interest common to the public.

WHEREFORE, Montana-Dakota prays that it be allowed intervention in the above-captioned docket.

Dated this 5 day of May, 2009.

MAY, ADAM, GERDES & THOMPSON LLP

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CERTIFICATE OF SERVICE

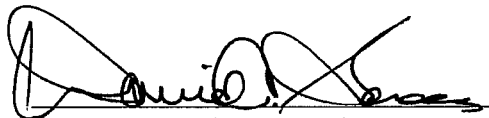
David A. Gerdes of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 5 day of May, 2009, he served electronically a true and correct copy of the foregoing Petition to Intervene in the above-captioned action to the following at their last known addresses, to-wit:

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