



Dustin Johnson, Chair  
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## SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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April 20, 2010

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

RE: PS10-001 Clarification

Dear Ms. Van Gerpen:

In order to clear up any confusion that may have occurred, I would like to outline specific language for the proposed waiver. The waiver language, if approved by the Commission and the Pipeline and Hazardous Materials Safety Administration (PHMSA), would be in effect for MDU.

49 CFR, Section 192.285(c) as currently written is stated below:

“A person must be requalified under an applicable procedure, if during any 12-month period that person:

- (1) Does not make any joints under that procedure; or
- (2) Has 3 joints or 3 percent of the joints made, whichever is greater, under that procedure that are found unacceptable by testing under §192.513.”

Based on a review of the pipeline safety regulations (and the information included in the initial Staff Recommendation), I recommend the following permanent waiver of §192.285(c) be approved for MDU:

A person must be requalified under an applicable procedure, at least once each calendar year at intervals not exceeding 15-months, if that person:

- (1) Does not make any joints under that procedure in the preceding calendar year; or
- (2) Has 1 joint or 1 percent of the joints made, whichever is greater, under that procedure that are found unacceptable by testing under §192.513.

If the waiver is approved by PHMSA, these plastic joining requirements must be included within MDU's Operations and Maintenance (O&M) manual.

Sincerely,

Stacy Splittstoesser, P.E.  
Pipeline Safety Engineer/Utility Analyst  
SD Public Utilities Commission