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*South Dakota*

**PUBLIC UTILITIES COMMISSION**

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May 7, 2013

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

RE: Request to Open Docket

Dear Ms. Van Gerpen:

The South Dakota Pipeline Safety Staff recently released a report to Humboldt Municipal Gas Utilities covering the results of a DIMP Field inspection conducted on April 30, 2013, which includes a willful violation of 49 CFR 192.1007 (d) and (f). Due to the willful nature of the violation, Staff respectfully requests the Commission assess a \$242.00 penalty.

Staff recommends the penalty amount of \$242.00 based on the following considerations, per SDCL 49-34B-12:

- Maximum penalty
- Appropriateness of the penalty to the size of Humboldt Municipal Gas Utilities
- Operator's past history of violations
- Severity of violation
- Willfulness
- Cooperation
- Mitigating factors

The attached Summary of Deficiencies and Penalties Calculation Template provides detail regarding the violation and recommendation. In conclusion, the penalty is intended as an incentive for Humboldt Municipal Gas Utilities to develop a better quality control method to ensure that the DIMP plan is reviewed according to operators DIMP plan procedures.

Sincerely,

Kristen Edwards

Attachment