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South Dakota

PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

Capitol Office
(605) 773-3201
1-866-757-6031 fax

Grain Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

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 Crooks Municipal Gas covering the results of a DIMP Field inspection conducted on May 1, 2013 which includes a willful violation of 49 CFR §192.1007 (d), (e) 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 in comparison to the size of Crooks Municipal Gas
- 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 Crooks Municipal Gas to develop a better quality control method to ensure that DIMP plan is reviewed according to operators DIMP plan procedures.

Sincerely,

Kristen Edwards

Attachment