



Gary Hanson, Chairperson
Chris Nelson, Vice Chairperson
Kristie Fiegen, Commissioner



PUBLIC UTILITIES COMMISSION

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August 6, 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 Montana-Dakota Utilities covering the results an inspection conducted on June 15-19, 2013 which includes a violation of 49 CFR §192.723(b)(1) and SDCL 49-34B-7. Staff respectfully requests the Commission assess a \$1,689.00 penalty.

Staff recommends the penalty amount of \$1,689.00 based on the following considerations, per SDCL 49-34B-12:

- Maximum penalty
- Appropriateness of the penalty in comparison to the size of Montana-Dakota Utilities
- Operator's past history of violations
- Severity of violation
- Willfulness
- Cooperation
- Mitigating factors

The attached Summary of Deficiencies and Penalties Calculation Template provide detail regarding the violation and recommendation.

Sincerely,

Kristen Edwards

Attachment