



Dustin Johnson, Chair
Steve Kolbeck, Vice Chair
Gary Hanson, Commissioner
June 1, 2009

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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Patricia Van Gerpen

VIA E-FILING ONLY

SD Public Utilities Commission

500 East Capitol Ave

Pierre, SD 57501

Re: RM09-001

Dear Ms. Van Gerpen:

Nathan Solem, PUC Pipeline Safety Director, contacted MidAmerican Energy after its submission of its May 27, 2009 comments. After some detailed discussion with Sandy Rasmussen and Gary Meiners, Mr. Solem agrees with their objection to the distribution construction notice rule. Subdivision construction plans change rapidly. Formal plans and notice as staff proposed in our rules will most likely be outdated upon commencement of construction inspections. The potential for outdated plans negates the proposed benefit staff saw in the rule. Accordingly, pipeline safety staff agrees to withdraw the proposed distribution construction notice rule. Currently the pipeline safety staff uses an informal method to collect necessary data. The current method facilitates an open exchange of information and prevents the formal filing of inaccurate information.

Mr. Solem also had the opportunity to discuss MidAmerican Energy's concern regarding a post inspection meeting. PHMSA currently requires state inspectors to conduct a closing conference at the end of every inspection. MidAmerican Energy agreed to withdraw its objection based on a better understanding of the post-inspection conference.

Commission Staff requests the Commission incorporate the above changes to the following rules. In summary:

- PUC Staff withdraws "Notice Requirements for Transmission Line Construction" and asks it be removed from the proposed rules.
- MidAmerican Energy withdraws its post-inspection meeting concern.

Sincerely,

Kara Semmler