

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE PETITION OF THE )</b>	<b>ORDER GRANTING</b>
<b>COMMISSION PIPELINE SAFETY PROGRAM )</b>	<b>EXTENSION</b>
<b>MANAGER FOR A DECLARATORY RULING )</b>	
<b>REGARDING WHETHER A PIPELINE )</b>	<b>PS09-002</b>
<b>OPERATOR'S DOCUMENTED MAXIMUM )</b>	
<b>ALLOWABLE OPERATING PRESSURE CAN )</b>	
<b>EXCEED THE LIMITS IN SDCL 49-41B-2.1 )</b>	
<b>WITHOUT A SITING PERMIT )</b>	

On April 20, 2009, the Commission Pipeline Safety Program Manager filed a request for a declaratory ruling as to whether the PUC siting statute, SDCL 49-41B-2.1, allows a pipe design and thus its MAOP to exceed 20% SMYS if it is operated under 20% SMYS. The Pipeline Safety Program Manager requests a Commission decision regarding whether a pipeline is permitted to maintain MAOP in excess of 20% SMYS when to increase pipeline pressure above 20% SMYS would violate SDCL 49-41B-2.1.

On April 23, 2009, the Commission electronically transmitted notice of the filing and the intervention deadline of May 8, 2009, to interested individuals and entities. On May 5, 2009, the Commission received a Petition to Intervene from Montana-Dakota Utilities Co. (MDU). On May 8, 2009, the Commission received a Petition to Intervene from NorthWestern Corporation d/b/a NorthWestern Energy (NWE). At its regularly scheduled meeting of May 19, 2009, the Commission granted intervention to MDU and NWE.

On June 5, 2009, the Commission received an Opposition to Commission Ruling from MDU, including argument from MDU that Commission Staff is not a proper party to the case. On June 8, 2009, the Commission received a Reply to MDU's Opposition to Commission Ruling from Commission Staff in which Commission Staff recommended a 60 day extension. At its regularly scheduled meeting of June 9, 2009, the Commission voted unanimously that Commission Staff is a proper party and further extended the timeline for 60 days and that the parties develop a procedural schedule using the 60 days as a basis. On August 5, 2009, the Commission received a letter from Commission Staff requesting an additional 90 day extension.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-34B.

At its regularly scheduled meeting of August 11, 2009, the Commission considered this matter. The Commission voted unanimously to grant an additional 90 day extension. It is therefore

ORDERED, that the request for a 90 day extension is hereby granted.

Dated at Pierre, South Dakota, this 18<sup>th</sup> day of August, 2009.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.

By: *Arcia Smithler*

Date: 8/18/09

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Dustin M. Johnson*  
DUSTIN M. JOHNSON, Chairman

*Steve Kolbeck*  
STEVE KOLBECK, Commissioner

*Gary Hanson*  
GARY HANSON, Commissioner