

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

IN THE MATTER OF THE PETITION OF THE)	ORDER GRANTING STAFF
COMMISSION PIPELINE SAFETY PROGRAM)	PARTY STATUS; ORDER
MANAGER FOR A DECLARATORY RULING)	EXTENDING TIMELINE AND
REGARDING WHETHER A PIPELINE)	ORDER DEVELOPING A
OPERATOR'S DOCUMENTED MAXIMUM)	PROCEDURAL SCHEDULE
ALLOWABLE OPERATING PRESSURE CAN)	
EXCEED THE LIMITS IN SDCL 49-41B-2.1)	PS09-002
WITHOUT A SITING PERMIT)	

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.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-34B and ARSD 20:10:01:15.05.

At its regularly scheduled meeting of June 9, 2009, the Commission considered the Opposition to Commission Ruling. After considerable discussion, the Commission voted unanimously that Commission Staff is a proper party and further to extend the timeline for 60 days and that the parties develop a procedural schedule using the 60 days as a basis. It is therefore

ORDERED, that party status be granted to Commission Staff. It is further

ORDERED, that the timeline be extended for 60 days. It is further

ORDERED, that the parties develop a procedural schedule using the 60 days as a basis.

Dated at Pierre, South Dakota, this 24th day of June, 2009.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>Arlaine Kolbo</i></u></p> <p>Date: <u><i>6/26/09</i></u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner