

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

<b>IN THE MATTER OF THE PETITION OF )</b>	<b>ORDER FOR AND NOTICE OF</b>
<b>COMMISSION PIPELINE SAFETY PROGRAM )</b>	<b>HEARING</b>
<b>MANAGER FOR A DECLARATORY RULING )</b>	
<b>REGARDING WHETHER THE CROOKS )</b>	<b>PS09-005</b>
<b>MUNICIPAL UTILITIES GAS LINE SHOULD )</b>	
<b>BE CLASSIFIED AS A TRANSMISSION OR )</b>	
<b>DISTRIBUTION LINE FOR PIPELINE SAFETY )</b>	
<b>PURPOSES )</b>	

On October 9, 2009, the Commission Pipeline Safety Program Manager filed a petition for a declaratory ruling from the Commission. Specifically, PUC Staff questions whether a line owned and operated by the City of Crooks is properly classified as a transmission line, or whether it should be re-classified as a distribution line.

On October 15, 2009, the Commission electronically transmitted notice of the filing to interested individuals and entities. On October 21, 2009, the Commission received a Petition to Intervene from the City of Garretson (Garretson). On November 5, 2009, the Commission received a Request for Extension from Staff. At its regularly scheduled meeting of November 10, 2009, the Commission granted all Petitions to Intervene and the Request for Extension.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A.

**PLEASE TAKE NOTICE** that a hearing will be held on December 15, 2009, beginning at 2:00 P.M., in Room 282, University Center South, Southeast Technical Institute, 2205 Career Avenue, Sioux Falls, South Dakota.

The issue at the hearing is whether the Crooks Municipal Utilities gas line should be classified as a transmission or distribution line for pipeline safety purposes.

The hearing will be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. All persons testifying will be subject to cross-examination by the other parties, and all parties will have the right to cross-examine the witnesses of other parties. These rights and other due process rights will be forfeited if not exercised at the hearing. If a party or his/its representative fails to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20.

After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the

hearing, the Commission will determine whether the Crooks Municipal Utilities gas line should be classified as a transmission or distribution line for pipeline safety purposes. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issue of whether the Crooks Municipal Utilities gas line should be classified as a transmission or distribution line for pipeline safety purposes.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 24<sup>th</sup> day of November, 2009.

<b>CERTIFICATE OF SERVICE</b>
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: <u>Demaio Akthelm</u>
Date: <u>11-24-2009</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson  
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck  
STEVE KOLBECK, Commissioner

Gary Hanson  
GARY HANSON, Commissioner