

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

**IN THE MATTER OF THE PETITION OF )  
COMMISSION PIPELINE SAFETY PROGRAM )  
MANAGER FOR A DECLARATORY RULING )  
REGARDING WHETHER THE CROOKS )  
MUNICIPAL UTILITIES GAS LINE SHOULD )  
BE CLASSIFIED AS A TRANSMISSION OR )  
DISTRIBUTION LINE FOR PIPELINE SAFETY )  
PURPOSES )**

**ORDER CANCELLING  
HEARING  
  
PS09-005**

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. On November 6, 2009, the Commission received a Petition to Intervene of the City of Crooks. 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.

By order dated November 24, 2009, the hearing in this matter was scheduled as follows:

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 Commission Counsel was advised by Commission Staff that the parties had reached agreement on a stipulation of facts in this matter, and on December 10, 2009, commission counsel and the parties held a prehearing conference. The parties agreed that at this time, a genuine issue of material fact does not appear to be present requiring an evidentiary hearing and that the matter appears to be appropriate for resolution on one or more motions for summary disposition or other appropriate motion, with briefing and oral argument to be scheduled at a later date. It is therefore

ORDERED, that the hearing scheduled for December 15, 2009, is cancelled and that briefing and oral argument on any dispositive motions filed by the parties will be scheduled at a later date.

Dated at Pierre, South Dakota, this 10 day of December, 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>Tina Douglas</u>
Date: <u>12-10-09</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson

DUSTIN M. JOHNSON, Chairman (TD)

Steve Kolbeck

STEVE KOLBECK, Commissioner

Gary Hanson

GARY HANSON, Commissioner