

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

**IN THE MATTER OF THE FILING BY ) ORDER GRANTING WAIVER  
MONTANA-DAKOTA UTILITIES CO. FOR )  
APPROVAL OF A WAIVER OF 49 C.F.R. ) PS10-001  
SECTIONS 192.285(a)(2) AND 192.285 (c) )  
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On March 23, 2010, the Commission received a request for a waiver of 49 C.F.R. Section 192.285(a)(2) and 192.285(c) from Montana-Dakota Utilities Co. (MDU). MDU makes the request according to SDCL 49-34B-24 to allow it to re-qualify its employees by an alternate means of assuring qualifications for persons making joints. On March 29, 2010, Staff recommended approval with conditions. On April 6, 2010, MDU filed an amended Request for Waiver as filed with the Commission.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34B-24.

At its regularly scheduled meeting on April 20, 2010, the Commission considered this matter. Commission Staff recommended approval of the waiver subject to the following conditions:

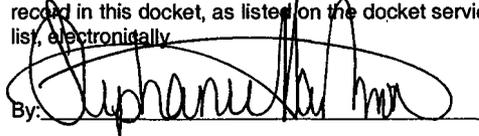
1. A person must be re-qualified under an applicable procedure, at least once each calendar year at intervals not exceeding 15-months, if that person (1) does not make any joints under that procedure in the preceding calendar year; or (2) has one joint or one percent of the joints made, whichever is greater, under that procedure that are found unacceptable by testing under Section 192.513; and
2. The plastic joining requirements must be included within MDU's Operations and Maintenance Manual.

The Commission voted unanimously to approve the Waiver, subject to PHMSA's review and consent and with Staff recommendations. It is therefore

ORDERED, that the request seeking approval of a waiver of C.F.R. Section 192.285(a)(2) and 192.285(c) is hereby granted, subject to PHMSA's review and consent and subject to the following conditions:

1. A person must be re-qualified under an applicable procedure, at least once each calendar year at intervals not exceeding 15-months, if that person (1) does not make any joints under that procedure in the preceding calendar year; or (2) has one joint or one percent of the joints made, whichever is greater, under that procedure that are found unacceptable by testing under Section 192.513; and
2. The plastic joining requirements must be included within MDU's Operations and Maintenance Manual.

Dated at Pierre, South Dakota, this 30<sup>th</sup> day of April, 2010.

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| <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:   |
| Date: <u>04/30/10</u>  |
| (OFFICIAL SEAL)  |

BY ORDER OF THE COMMISSION:

  
DUSTIN M. JOHNSON, Chairman

  
STEVE KOLBECK, Commissioner

  
GARY HANSON, Commissioner