

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

IN THE MATTER OF THE FILING BY)	ORDER FOR AND NOTICE
COMMISSION PIPELINE SAFETY STAFF)	OF HEARING
FOR APPROVAL OF A PENALTY FOR A)	
PIPELINE SAFETY VIOLATION BY)	PS13-002
CROOKS MUNICIPAL GAS)	

On May 7, 2013, the Pipeline Safety Program of the South Dakota Public Utilities Commission (Pipeline Safety Staff) filed a 2013 South Dakota Pipeline Safety Inspection, Summary of Deficiencies Penalty Calculation Worksheet involving a Distribution Pipeline Integrity Management Program (DIMP) inspection of Crooks Municipal Utilities conducted on May 1, 2013. On July 23, 2013, Pipeline Safety filed an Amended Complaint alleging numerous violations of DIMP and other Pipeline Hazardous Materials Safety Administration (PHMSA) regulations.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-34B, including 49-34A-12 through 49-34B-15, 49 U.S.C. § 60101 et seq., and 49 C.F.R. Parts 191 and 192.

A hearing will be held on this matter beginning at 1:30 P.M. CDT on September 10, 2013, in Room 413 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota. The parties shall appear one-half hour prior to the hearing for the marking of exhibits.

The issues at the hearing, if not decided prior to the hearing on the motion of a party or the Commission, will be:

1. Whether Crooks failed to complete an annual review in 2012 as required by Crooks's DIMP plan and, if so, what penalty and/or corrective action order is appropriate for such violation?
2. Whether Crooks failed to perform a leak survey within five years as required by 49 C.F.R. §192.723(b)(2), and if so, what penalty and/or corrective action order is appropriate for such violation?
3. Whether Crooks employed a technician to perform pipeline safety who had not undergone operator qualification procedures as required by 49 C.F.R. §192.801, and if so, what penalty and/or corrective action order is appropriate for such violation?
4. Whether Crooks failed to properly place pipeline markers in a timely manner as required by 49 C.F.R. §192.707, and if so, what penalty and/or corrective action order is appropriate for such violation?
5. Whether Crooks failed to update records of the welding procedures employed in maintaining its pipeline as required by §192.225(b), and if so, what penalty and/or corrective action order is appropriate for such violation?
6. Whether Crooks failed to update records of the joining procedures and failed to maintain destructive testing documentation of the joining procedures employed in maintaining its pipeline in violation of §192.283, and if so, what penalty and/or corrective action order is appropriate for such violation?

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. These rights and other due process rights may be forfeited if not exercised at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, the Final Decision may be based solely on the testimony and evidence admitted 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. As a result of the hearing, the Commission may grant, deny, or modify the relief requested by Pipeline Safety Staff. The Commission's Final Decision may be appealed 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 issues set forth above except as modified between now and the hearing date by order of the Commission or stipulation of the parties.

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 12th day of August, 2013.

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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Joy Lashley</u>
Date:	<u>8/12/13</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Piegen
KRISTIE PIEGEN, Commissioner