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Gary Hanson, Vice Chair  
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**SOUTH DAKOTA  
PUBLIC UTILITIES COMMISSION**

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October 24, 2007

Ms. Patricia Van Gerpen  
500 E. Capitol  
Pierre, SD 57501

**VIA ELECTRONIC FILING**

Re: PS07-003

Dear Ms. Van Gerpen:

Enclosed for filing please find, "Staff Recommendation to the South Dakota Public Utilities Commission" regarding the above captioned docket.

Sincerely,

Kara Semmler

cc. Robert Jared (via e-mail only)

STAFF RECOMMENDATION  
TO  
THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE FILING BY MIDAMERICAN ENERGY COMPANY FOR  
APPROVAL OF A WAIVER OF  
49 C.F.R., SECTION 192.285(c)

DOCKET PS07-003

On September 28, 2007, MidAmerican Energy Company (MidAmerican) filed a request for waiver of a portion of 49 C.F.R., Part 192.285(a)(2) and 192.285(c). (On October 18, 2007, Staff received an email from Robert P. Jared , Senior Attorney for MidAmerican Energy, that the request for waiver should only apply to 49 C.F.R. Part 192.285(c)).

The specific request is for a Waiver 49 C.F.R. Part 192.285(c) to allow MidAmerican to requalify persons making plastic joints under an applicable procedure at least once each calendar year not to exceed 15 months. Currently operators are required under 49 C.F.R., Part 192(c), to either requalify a person every 12 months or monitor that person to verify by test that they have not had 3 joints or 3 percent of the joints made, whichever is greater, under that procedure that are found unacceptable.

MidAmerican, like many other operators, has chosen to requalify their employees every 12 months. As stated in the filing, to comply with this requirement and at the same time have no lapses in the qualification of an individual, the person must be requalified within 12 months of their prior qualification.

The arguments set forth supporting the waiver request are the same arguments used by MidAmerican and other operators in Iowa, and Aquilla, Inc. in Colorado, Kansas and Nebraska. The request for waiver was approved in each of those cases.

To be granted a waiver an operator must show that the waiver is consistent with pipeline safety and is justified. MidAmerican proposes that they be allowed to requalify its employees by an alternate means of assuring qualifications for person making plastic joints. MidAmerican proposes the following procedure;

1. A person must be requalified under an applicable procedure at least once each calendar year, but at intervals not exceeding 15 months. And;
2. In addition, if a joiner has one joint made under the procedure that is found to be unacceptable by testing und 49 C.F.R. Part 192.513, that person must requalify under that procedure as an initial qualification.

It is my opinion that the proposed waiver request would not be inconsistent with pipeline safety, if MidAmerican is ordered to comply with the afore-mentioned procedures.

Martin C. Bettmann  
SDPUC  
Pipeline Safety Program Manager