



Dustin Johnson, Chair
Steve Kolbeck, Vice Chair
Gary Hanson, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

Capitol Office
(605) 773-3201
1-866-757-6031 fax

Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

November 13, 2009

Ms. Melissa J. Baruth, DOT Coordinator
NorthWestern Energy
PO Box 1318
600 Market Street
Huron, SD 57350

RE: Waiver Request Approval in Docket PS09-003

Dear Ms. Baruth:

Attached please find a letter from PHMSA granting their approval to the conditional waiver granted to NorthWestern Energy by this Commission in Docket PS09-003. This concludes the final approval needed before your company can implement this waiver.

If you have any questions or concerns regarding this waiver approval, please do not hesitate to contact me.

Sincerely,

Nathan D. Solem

Nathan D. Solem
Pipeline Safety Program Manager

attachment

cc: Stacy Splittstoesser



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

NOV 13 2009

1200 New Jersey Ave., SE
Washington, DC 20590

Mr. Nathan Solem
Acting Pipeline Safety Program Manager
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. Solem:

Pursuant to 49 U.S.C. § 60118(d), the Pipeline and Hazardous Materials Safety Administration (PHMSA) has reviewed your letter of September 16, 2009, notifying us that the South Dakota Public Service Commission (Commission), is granting NorthWestern Energy (NWE) a waiver from certain odorization requirements. Specifically, NWE requested that the Commission modify compliance with 49 CFR § 192.625(a), as adopted by the State of South Dakota pursuant to SDCL 49-34-B, and allow NWE to operate a 450 foot section of a natural gas distribution pipeline containing unodorized gas in Edmonds County, South Dakota.

The Commission's grant of the waiver is conditioned on NWE's compliance with the seven specific requirements detailed in the waiver. Based on these conditions, PHMSA does not object to the waiver of § 192.625(a) for the specified section of pipeline.

Thank you for your participation and cooperation in the State waiver concurrence process. If you wish to discuss this or any other pipeline safety regulatory matter, my staff would be pleased to assist you. Please call John Gale, Director of Regulations, at 202-366-4046, for regulatory matters or Alan Mayberry, Director of Engineering and Emergency Support, at 202-366-5124, for technical matters.

Sincerely,

Jeffrey D. Wiese
Associate Administrator for Pipeline Safety