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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

June 25, 2010

Mr. Scott Besmer, Senior Staff Engineer
Montana-Dakota Utilities Co. (MDU)
400 North 4th Street
Bismarck, ND 58501
Scott.besmer@mdu.com

Dear Mr. Besmer:

The South Dakota Public Utilities Commission received final approval today from PHMSA on MDU's waiver request in docket PS10-001 as seen in the attached letter. MDU may begin implementing this waiver and its condition which requires MDU to include detailed plastic joining requirements from the waiver within its Operations and Maintenance manual.

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

Sincerely,

Nathan D. Solem

Nathan Solem
Pipeline Safety Program Manager
605-773-4210
nathan.solem@state.sd.us

CC: Dave Gerdes, May Adam Gerdes & Thompson LLP, dag@magt.com
Jim Mann, MDU, jim.mann@mdu.com
Kara Semmler, SDPUC, kara.semmler@state.sd.us
Docket filings, SDPUC, PUCDocketFilings@state.sd.us

attachment



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

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RECEIVED

JUN 25 2010

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

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

Dear Mr. Solem:

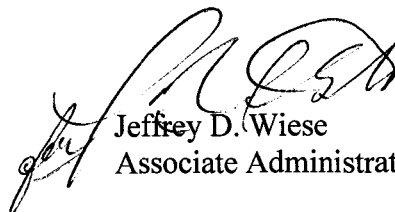
The Pipeline and Hazardous Materials Safety Administration (PHMSA) reviewed your letter of May 3, notifying us that the South Dakota Public Utilities Commission (Commission) approved, pending PHMSA's acceptance, a state waiver to Montana-Dakota Utilities Company (MDUC). MDUC requested a modification of compliance with 49 CFR § 192.285(c) as adopted by South Dakota pursuant to sections 49-34B-3 of the South Dakota Codified Law. Section 192.285(c) requires a person making plastic pipe joints to be re-qualified under an applicable procedure under certain conditions that may occur during a 12-month period.

MDUC requested a permanent waiver that would allow them to extend the re-qualification period to that detailed in § 192.285(c) from 12 months to at least once each calendar year at intervals not to exceed 15 months. This change would provide flexibility for scheduling qualification testing around the construction season.

The Commission's waiver requires MDUC to include the detailed plastic joining requirements from the waiver within their Operations and Maintenance Manual. Based on the conditions detailed in the waiver issued by the Commission, PHMSA has no objections to the waiver.

If you wish to discuss this or any other pipeline safety matter, my staff would be pleased to assist you. Please call John Gale, Director of Regulations at (202) 366-0434 for regulatory matters or Alan Mayberry, Deputy Associate Administrator for Pipeline Safety, at (202) 366-5124 for technical matters. Thank you for your continued efforts in pipeline safety.

Sincerely,



Jeffrey D. Wiese
Associate Administrator for Pipeline Safety