

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

**PUC STAFF'S REQUEST FOR WAIVER OF ) ORDER GRANTING REQUEST  
CERTAIN CODE REQUIREMENTS IDENTIFIED IN ) FOR WAIVERS  
PHMSA AMENDMENT 192-128 )  
) PS21-001**

On March 25, 2021, the South Dakota Public Utilities Commission staff (staff) filed a letter with the South Dakota Public Utilities Commission (Commission) requesting a waiver of certain code requirements of 49 CFR Sections 191 and 192. The filing by staff noted that Amendment 192-128 makes the following code sections less restrictive: 49 CFR 191.3, 49 CFR 192.281, 49 CFR 192.465, and 49 CFR 192.481. The purpose of the waivers is to make the South Dakota pipeline safety requirements consistent with Amendment 192-128 issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA), effective March 21, 2021.

On April 1, 2021, the Commission electronically transmitted notice of the filing to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. The notice stated that any person wishing to comment had until April 9, 2021, to do so. On April 26, 2021, the South Dakota One Call Notification Board filed a letter in support of the request for waivers.

The Commission has jurisdiction in this matter pursuant to SDCL 49-34B, specifically, SDCL 49-34B-24.

At its regularly scheduled meeting on April 29, 2021, the Commission considered this matter. Finding that the requested waivers were reasonable, the Commission voted unanimously to grant staff's request to waive the above-referenced code sections in order to be consistent with PHMSA Amendment 192-128. It is therefore

ORDERED, that the waiver of the above-referenced code sections as requested by staff is hereby granted.

Dated at Pierre, South Dakota, this 5th day of May 2021.

<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: <u>Karen E. Cremer</u>
Date: <u>05/05/21</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson  
CHRIS NELSON, Chairman

Kristie Fiegen  
KRISTIE FIEGEN, Commissioner

Gary Hanson  
GARY HANSON, Commissioner