

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

IN THE MATTER OF THE FILING OF THE) INVESTIGATION OF THE NATURAL GAS) INCIDENT OF MARCH 14, 2009, ON) MONTANA-DAKOTA UTILITIES CO.'S SYSTEM) IN RAPID CITY, SOUTH DAKOTA)	ORDER GRANTING INTERVENTION; ORDER DENYING REQUEST TO TEST GAS LINE PS09-001
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On March 16, 2009, the Public Utilities Commission (Commission) received a memorandum from Commission Staff (Staff) requesting an investigation of the natural gas incident of March 14, 2009, on Montana-Dakota Utilities Co.'s (MDU) system in Rapid City, South Dakota. A report, including Staff's recommendation regarding whether all pipeline safety rules were properly observed, will be filed for Commission approval at the conclusion of Staff's investigation. On Saturday, March 14, 2009, an explosion occurred in Rapid City causing over an estimated \$100,000 in damage. Subsequent investigation by the gas company showed leaks in the gas main in front of the facility. Since the loss level met the minimum required for a reportable pipeline incident and due to leaks found, the incident was reported under 49 CFR 191.3, giving the PUC jurisdiction over the incident.

On March 19, 2009, the Commission electronically transmitted notice of the filing and the intervention deadline of April 3, 2009, to interested individuals and entities. On September 10, 2009, the Commission received a Petition for Leave to Intervene from Midwest Clutch and Auto Repair (Midwest Clutch) and Midwest Family Mutual Insurance Company (Midwest Family) and a Request to Test Gas Line. On September 18, 2009, the Commission received MDU's Opposition to Midwest Clutch and Midwest Family Petition to Intervene and Request to Test Gas Line.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-34B and ARSD 20:10:01:15.05 and 49 CFR 191.3.

At its regularly scheduled meeting of September 22, 2009, the Commission found that the Petition to Intervene demonstrated good cause to grant intervention. The Commission granted intervention to Midwest Clutch and Midwest Family. The Commission considered the Request to Test Gas Line. The Commission voted unanimously to deny the Request to Test Gas Line, and instructed the parties to jointly develop a protocol for testing that they can mutually agree upon and then come back before the Commission.

It is therefore

ORDERED, that the Petition to Intervene of Midwest Clutch and Midwest Family is hereby granted; and it is further

ORDERED, that the Request to Test Gas Line is hereby denied, and the parties are hereby directed to jointly develop a protocol for the approval required by SDCL 49-34B-26 for testing that they can mutually agree upon and then come back before the Commission

Dated at Pierre, South Dakota, this 6th day of October, 2009.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Aldine Kolbo</u></p> <p>Date: <u>10/16/09</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Dustin Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner