

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

**IN THE MATTER OF THE PETITION OF THE)
COMMISSION PIPELINE SAFETY PROGRAM)
MANAGER FOR A DECLARATORY RULING)
REGARDING WHETHER A PIPELINE)
OPERATOR'S DOCUMENTATED MAXIMUM)
ALLOWABLE OPERATING PRESSURE CAN)
EXCEED THE LIMITS IN SDCL 49-41B-2.1)
WITHOUT A SITING PERMIT)**

**ORDER GRANTING
INTERVENTION**

PS09-002

On April 20, 2009, the Commission Pipeline Safety Program Manager filed a request for a declaratory ruling as to whether the PUC siting statute, SDCL 49-41B-2.1, allows a pipe design and thus its MAOP to exceed 20% SMYS if it is operated under 20% SMYS. The Pipeline Safety Program Manager requests a Commission decision regarding whether a pipeline is permitted to maintain MAOP in excess of 20% SMYS when to increase pipeline pressure above 20% SMYS would violate SDCL 49-41B-2.1.

On April 23, 2009, the Commission electronically transmitted notice of the filing and the intervention deadline of May 8, 2009, to interested individuals and entities. On May 5, 2009, the Commission received a Petition to Intervene from Montana-Dakota Utilities Co. (MDU). On May 8, 2009, the Commission received a Petition to Intervene from NorthWestern Corporation d/b/a NorthWestern Energy (NWE).

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

At its regularly scheduled meeting of May 19, 2009, the Commission considered the Petitions to Intervene. The Commission found that the Petitions to Intervene demonstrated good cause to grant intervention. It is therefore

ORDERED, that the Petitions to Intervene of MDU and NWE are hereby granted.

Dated at Pierre, South Dakota, this 22nd day of May, 2009.

CERTIFICATE OF SERVICE
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>Adaine Kolbe</u>
Date: <u>5/22/09</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner