

**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 CLOSING DOCKET**
)
) **PS09-001**
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)

On March 16, 2009, Commission Staff requested that a formal docket be opened into the ongoing investigation. On Saturday, March 14, 2009 at 12:15 am an explosion occurred at an auto repair facility at 128 E. Main Street North in Rapid City causing over an estimated \$100,000 in damage. By opening this docket, the Commission can set forth a formal process for review of the investigation report.

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 16, 2009, Commission Staff requested a docket be opened regarding an investigation into the incident. A report, including Staff's recommendation regarding whether all pipeline safety rules were properly observed, was to be filed for Commission approval at the conclusion of Staff's investigation, if the incident remains jurisdictional.

On September 10, 2009, Midwest Clutch and Auto Repair (Midwest Clutch) and its insurance company, Midwest Family Mutual Insurance Company (Midwest Family) filed a Petition for Leave to Intervene. Midwest Clutch and Midwest Family filed a Request to Test Gas Line on September 10, 2009. On September 18, 2009, Montana-Dakota filed an Opposition to Midwest Clutch and Midwest Family Petition to Intervene and Request to Test Gas Line. On December 30, 2009, Montana-Dakota filed a request with the Commission that the docket be closed. The request states that MDU's investigation found that the main leak was not the cause of the incident. As a result, the PUC does not have jurisdiction over the incident. On January 4, 2010, the Commission staff filed a letter in support of closing the docket.

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

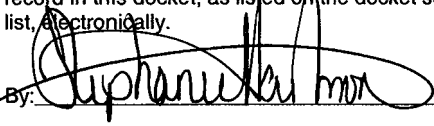
At its regularly scheduled meeting of January 19, 2010, the Commission considered the Motion to Close Docket. Commission Staff recommended granting the Motion. The Commission unanimously voted to grant the Motion to Close Docket. It is therefore

ORDERED, that the Motion to Close Docket is hereby granted.

Dated at Pierre, South Dakota, this 18th day of February, 2010.

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: 

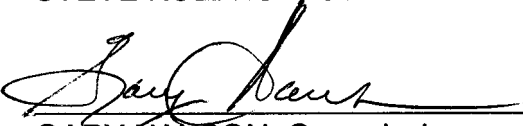
Date: 2/1/10

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:


DUSTIN M. JOHNSON, Chairman


STEVE KOLBECK, Commissioner


GARY HANSON, Commissioner