

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

IN THE MATTER OF THE PETITION OF THE)	ORDER DISMISSING)
COMMISSION PIPELINE SAFETY PROGRAM)	PETITION AND CLOSING)
MANAGER FOR A DECLARATORY RULING)	DOCKET)
REGARDING WHETHER A PIPELINE)	
OPERATOR'S DOCUMENTED MAXIMUM)	PS09-002)
ALLOWABLE OPERATING PRESSURE CAN)	
EXCEED THE LIMITS IN SDCL 49-41B-2.1)	
WITHOUT A SITING PERMIT)	

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). On May 19, 2009, the Commission granted intervention to MDU and NWE.

On June 5, 2009, the Commission received an Opposition to Commission Ruling from MDU, including argument from MDU that Commission Staff is not a proper party to the case. On June 8, 2009, the Commission received a Reply to MDU's Opposition to Commission Ruling from Commission Staff in which Commission Staff recommended a 60 day extension. On June 9, 2009, the Commission found that the Commission Staff is a proper party and further extended the timeline for 60 days and that the parties develop a procedural schedule using the 60 days as a basis. On August 5, 2009, the Commission received a letter from Commission Staff requesting an additional 90 day extension. On August 11, 2009, the Commission granted an additional 90 day extension. On October 13, 2009, the Commission received a letter from Commission Staff requesting an additional 90 day extension. On October 20, 2009, the Commission granted an additional 90 day extension.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-34B.

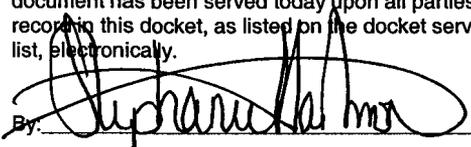
At its regularly scheduled meeting of April 6, 2010, the Commission considered this matter. Based on SB60 signed into law by Governor Rounds during the 2010 legislative session, the Commission voted unanimously to dismiss the petition and close the docket. It is therefore

ORDERED, that the petition be dismissed and the docket be closed.

Dated at Pierre, South Dakota, this 20th day of April, 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: 04/20/10

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:


DUSTIN M. JOHNSON, Chairman


STEVE KOLBECK, Commissioner


GARY HANSON, Commissioner