BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

In the Matter of Pipeline Safety Enforcement against Montana-Dakota Utilities, Co.	)))	**ORDER ASSESSING FINE** **PS09-006**

On March 14, 2009, Commission Staff (Staff) conducted a compliance review of Montana-Dakota Utilities (MDU). Staff found MDU out of compliance with 49 CFR 192.465 (d) which requires prompt remedial action of low cathodic protection readings. Additionally MDU was out of compliance with its own operating and maintenance plan which states in section 11, p. 5 if such a condition is found, correction must occur within the next test or 15 months whichever is first.

On December 21, 2009, Staff requested the Commission to take action regarding the compliance issues. Staff recommended that a penalty of $600 be assessed and a compliance order issued to MDU.

The Commission has jurisdiction in this matter pursuant to 49 CFR 192.465 (d).

At its regularly scheduled meeting of January 19, 2010, the Commission considered this matter. Staff recommended assessing a fine of $600.00 for non-compliance. The Commission voted unanimously to assess MDU a $600.00 fine for non-compliance.

It is therefore

ORDERED, that MDU be assessed a $600.00 fine for non-compliance.

Dated at Pierre, South Dakota, this 26th day of January, 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: 1/26/10

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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DUSTIN M. JOHNSON, Chairman

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STEVE KOLBECK, Commissioner

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GARY HANSON, Commissioner