

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

IN THE MATTER OF THE FILING BY COMMISSION)	ORDER ASSESSING
PIPELINE SAFETY STAFF FOR APPROVAL OF A)	CIVIL PENALTY
PENALTY FOR A PIPELINE SAFETY VIOLATION)	
BY NORTHERN STATES POWER COMPANY DBA)	PS12-002
XCEL ENERGY)	

On March 23, 2012, the Pipeline Safety Staff of the South Dakota Public Utilities Commission (Commission) filed a request with the Commission for assessment of a \$750.00 penalty against Northern States Power Company dba Xcel Energy (Xcel) due to noncompliance demonstrated by the results of a Drug and Alcohol Plan inspection conducted on December 12-14 and 21, 2011, and March 2 and 5-7, 2012. The inspection revealed a violation of 49 CFR §199.105(c). Specifically, Xcel excluded U.S. DOT covered non-CDL, gas-only employees from random annual drug testing. On June 29, 2012 Xcel submitted a revised Anti-Drug and Alcohol Misuse Prevention Plan correcting the error. On August 8, 2012, Pipeline Safety Staff filed a letter in support of its original penalty recommendation.

The Commission has jurisdiction in this matter pursuant to SDCL 49-34B, specifically, SDCL 49-34B-12. At its regularly scheduled meeting on January 31, 2012, the Commission considered this matter. The Commission voted unanimously to assess a penalty against Xcel in the amount of Seven Hundred Fifty Dollars (\$750.00). It is therefore

ORDERED, that Xcel shall be assessed and shall pay a penalty for the violation of 49 CFR §199.105(c) in the amount of Seven Hundred Fifty Dollars (\$750.00).

Dated at Pierre, South Dakota, this 15th day of August, 2012.

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>Tina Douglas</u>
Date: <u>8-15-12</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner