

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

<b>IN THE MATTER OF THE FILING BY )</b>	
<b>COMMISSION PIPELINE SAFETY STAFF FOR )</b>	<b>COMPLAINT</b>
<b>APPROVAL OF A PENALTY FOR A PIPELINE )</b>	
<b>SAFETY VIOLATION BY HUMBOLDT )</b>	<b>PS15-001</b>
<b>MUNICIPAL GAS UTILITIES )</b>	
<b>)</b>	

COMES NOW Pipeline Safety Staff (“Staff”) of the South Dakota Public Utilities Commission (“Commission”) and hereby files this Complaint, requesting the Commission take action due to violations of 49 CFR 192.

Staff now states as follows:

1. Staff conducted an inspection of Humboldt Municipal Gas Utilities (“Humboldt”) on March 23, 2015. See Attachment D.
2. A complaint remains pending against Humboldt in Docket No. PS13-001.
3. On March 23, 2015, Staff member Mary Zanter attended a Humboldt City Council meeting in order to provide information. See Attachment D.
4. On March 27, 2015, Mary Zanter sent a letter to Humboldt detailing violations found during the March 23 inspection. A response from Humboldt was due by May 15, 2015. No response has been received as of the date of filing of this Complaint. See Attachment D.
5. On July 17, 2015, Mary Zanter sent an email reminding Humboldt of the need to respond to the March 27 letter. No response was received. See Attachment D.
6. On July 20, 2015, Mary Zanter sent a quarterly status report indicating outstanding inspection items. No response was received. See Attachment C.

Through SDCL 49-34B-14, South Dakota has adopted the federal pipeline safety

regulations in United States Code, title 49. Pursuant to the inspection conducted on March 23, 2015, in addition to warnings issued, the following violations were noted (See Attachment A):

1. A violation for failure to comply with agreement and order in Docket No. PS13-001.
2. A violation of 49 CFR 192.16 regarding customer notification. No documentation was provided to demonstrate that Humboldt has complied with the requirement of notifying new customers of their responsibility for those sections of service lines not maintained by the operator.
3. A violation of 49 CFR 192.625(f) for failure to use calibrated odorator. No documentation was provided to demonstrate that the contractor doing the reads in 2013 or 2014 used a calibrated odorator and considered IR drops.

WHEREFORE, Staff has worked unsuccessfully with Humboldt to remedy these and past violations, Staff recommends the Commission enter an order pursuant to SDCL 49-34B-5 suspending or restricting the use of the facility until such time as Humboldt has demonstrated compliance with 49 CFR 192. Or, in the alternative, Staff recommends the Commission issue a penalty in the amount described in Attachment B.

Dated this 13<sup>th</sup> day of August, 2015.



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