

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

IN THE MATTER OF THE FILING BY)
COMMISSION PIPELINE SAFETY STAFF FOR)
APPROVAL OF A PENALTY FOR A PIPELINE)
SAFETY VIOLATION BY MONTANA-DAKOTA)
UTILITIES)

ORDER OF ASSESSMENT OF
CIVIL PENALTY

PS11-003

On December 21, 2011, the Public Utility Commission's (Commission) Pipeline Safety Staff (Staff) recommended that the Commission assess a civil penalty for a pipeline safety violation by Montana-Dakota Utilities (MDU). Specifically, MDU failed to provide the complete required annual (distribution) or biannual (transmission) notice to non-customer residents along its pipeline system in violation of PAPE protocol 2.02 and 49 CFR §192.616(d) and PAPE protocol 2.04 and 49 CFR §192.616(c). As a result of the violation, Staff recommended the Commission assess an Eight Hundred Dollar (\$800) civil penalty.

On December 22, 2011, the Commission electronically transmitted notice of the filing. On January 20, 2012, Staff supplemented its original filing with its penalty calculations. MDU replied on January 23, 2012, voicing disagreement with the penalty recommendation but admitting the violation. Staff replied on January 25, 2012, in support of its recommendation.

The Commission has jurisdiction in this matter pursuant to SDCL 49-34B, specifically, SDCL 49-34B-12. At its regularly scheduled meeting of January 31, 2012, the Commission considered this matter. The Commission unanimously voted to assess the Eight Hundred Dollar (\$800) penalty per Staff's recommendation.

ORDERED, that MDU is assessed and shall pay a civil penalty for the violation described above in the amount of Eight Hundred Dollars (\$800).

Dated at Pierre, South Dakota, this 8th day of February, 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>Joy Baum</u>
Date: <u>2-8-12</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner