

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Montana-Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Waiver of the Federal Pipeline Safety Regulations
Application**

Case No. GS-10-585

**NOTICE OF OPPORTUNITY FOR HEARING AND
NOTICE OF INFORMAL HEARING**

February 9, 2011

On September 14, 2010, Montana-Dakota Utilities Co. (MDU) filed a application for a waiver of Title 49 Code of Federal Regulations (CFR) Part 192 section 285(c), adopted by reference under North Dakota Administrative Code section 69-09-03-02 relating to requalification requirements for a person making plastic pipe joints. On December 15, 2010 and January 7, 2011, MDU filed revisions to its request for waiver.

Under 49 CFR 192.285(c):

A person must be requalified under an applicable procedure, if during any 12-month period that person (1) does not make any joints under that procedure; or (2) has 3 joints or 3 percent of the joints made, whichever is greater, under that procedure that are found unacceptable by testing under § 192.513.

Montana-Dakota Utilities Co. proposes that a person be requalified under an applicable procedure, at least once each calendar year at intervals not exceeding 15 months, if that person does not make any joints under that procedure in the preceding calendar year or has 1 joint that is found to be unacceptable by testing under 49 CFR 192.513. Montana-Dakota Utilities Co. asserts that this proposal would enable them to employ the same testing schedule in all of its operating areas, thereby promoting administrative efficiency and a proper allocation of resources.

Under the United States Department of Transportation's Guideline for States Participating in the Gas Pipeline Safety Program, the Commission may grant a waiver of a pipeline safety regulation subject to the concurrence of the Pipeline and Hazardous Materials Safety Administration. A waiver may be granted when it is not practical to comply with a regulation of general applicability.

The issues to be considered in this matter are:


1. Whether it is practical for Montana-Dakota Utilities Co. to comply with 49 CFR 192.285(c).
2. Whether a waiver of 49 CFR 192.285(c) should be granted for Montana-Dakota Utilities Co.

Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding(s) and the reasons for requesting a hearing. **Comments and requests for hearings must be received by March 25, 2011.** If deemed appropriate, the Commission can determine this matter without a formal hearing.

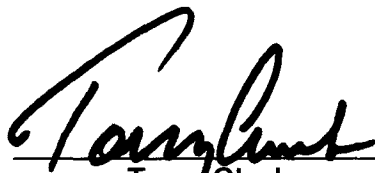
An **informal hearing** on this matter has been scheduled for **March 23, 2011 at 1:30 p.m. CDT** in the Commission Hearing Room on the 12th Floor of the State Capitol in Bismarck.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission, at (701) 328-2400, or Relay North Dakota TTY: 1-800-366-6888 at least 24 hours in advance.

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