

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Montana-Dakota Utilities Co.
Pipeline Safety Enforcement**

Case No. GS-20-015

ORDER

March 18, 2020

Preliminary Statement

On July 23, 2019, Public Service Commission Staff (Staff) conducted an Operator Qualification field inspection of Montana-Dakota Utilities Co.'s (MDU) gas safety program.

On January 10, 2020, the Manager of the Public Service Commission Gas Pipeline Safety Program (Program Manager) issued a Notice of Amendment (NOA).

On February 10, 2020, MDU submitted a response to the NOA.

Discussion

During the July 23, 2019 field inspection, Staff identified inadequacies in MDU's procedural manual for operations, maintenance, and emergencies (Standards) related to the procedures being used by MDU's personnel in the field. The NOA states that the Standards did not contain adequate procedures (step-by-step instructions) with definitive language for personnel performing covered tasks. The covered tasks MDU personnel were performing included inspections and maintenance of regulator stations and inspections and maintenance of valves at regulator stations.

Title 49 Code of Federal Regulations Part 192 section 605(a) (49 CFR 192.605(a)) states:

Procedural manual for operations, maintenance, and emergencies.
(a) *General*. Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response.

The NOA included the following proposed compliance action:

By March 30, 2020, provide to the Commission, documentation to show that Respondent has amended its Standards to provide written procedures for covered tasks that are procedural in nature and will more

clearly identify the steps required to complete covered tasks by qualified individuals. The procedural format helps ensure that process adherence is accomplished and that "work-arounds" are not employed that would invalidate the evaluation and qualification that was performed for the individual in performance of the task. [A "work-around" is a situation where the individual is using a process that wouldn't work the way it was written (due to an inadequate process or an equipment change that made the process steps invalid), or the individual has found a "better" way to get the job done faster instead of using a tool the way it was designed.]

Respondent is required to replace suggestive wording with definitive wording in the procedures where applicable. This will clarify the obligation to complete specific actions while performing the procedures.

In its February 10, 2020 response, MDU did not contest the NOA, did not object to the proposed compliance action and did not request a hearing. Therefore, under 49 CFR 190.206(b) the Commission may issue an order directing amendment of the plans or procedures.

Order

The Commission orders:

1. MDU's procedures are inadequate per the requirements of 49 CFR 192.605(a).
2. MDU shall, by March 30, 2020, amend its written procedures as stated in the Notice of Amendment - Compliance Action and provide to the Commission, documentation showing that the written procedures have been amended.

PUBLIC SERVICE COMMISSION

		
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Julie Fedorchak Commissioner	Brian Kroshus Chairman	Randy Christmann Commissioner