

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Northern States Power Company
Pipeline Safety Enforcement**

Case No. GS-20-412

ORDER ON NOTICE OF PROBABLE VIOLATION

December 16, 2020

Preliminary Statement

On August 31, 2020, Public Service Commission (Commission) Staff (Staff) conducted an Operator Qualification Field Inspection at 1309 11th St N Fargo, ND.

On October 2, 2020, the Program Manager for the Commission's Gas Pipeline Safety Program issued a Notice of Probable Violation (NOPV) and Proposed Compliance Order (PCO).

On November 6, 2020, Northern States Power Company, a Minnesota company and wholly owned subsidiary of Xcel Energy Company (NSP) submitted a letter in response to the NOPV and PCO. In their response, NSP provided they are not contesting the NOPV and would remit payment for the \$30,000 civil penalty. However, NSP provided they are objecting to the PCO, and submitted written explanation, information, and other materials in their response to the allegations. A hearing was not requested.

On November 23, 2020, the Commission received the \$30,000 civil penalty payment from NSP.

Discussion

An Operator Qualification Field Inspection was conducted on August 31, 2020 at 1309 11th St N Fargo, ND. Staff observed several covered tasks set forth in Xcel Energy's Compliance and Standards Manual – v. 2020-1 Issued January 1, 2020 related to the covered task "CT-640 – Installation of Customer Meters and Regulators".

During the Operator Qualification Field Inspection, Staff identified the following probable violations of Pipeline Safety Regulations:

1. Individuals were performing a covered task on NSP's pipeline facilities without qualification or direct supervision as required by Title 49 Code of Federal Regulations Part 192 Subpart N.
2. NSP failed to adequately prepare and follow a manual of written procedures for conducting operations and maintenance activities as

required by Title 49 Code of Federal Regulations Part 192 section 192.605(a).

On October 2, 2020, the Program Manager issued a NOPV outlining and alleging the probable violations and proposed a civil penalty of \$30,000 and a PCO.

In their November 6, 2020 response, NSP chose a response option which provides they are not contesting the allegation of the probable violations and subsequently issued payment to the Commission for the civil penalty in the amount of \$30,000.

Pursuant to Title 49 CFR Part 190 section 190.208, by NSP not contesting the NOPV, paying the proposed penalty and advising the Commission of the payment, NSP has admitted to the Probable Violations and authorized the Commission to make a finding of violations and issue an order.

Regarding the PCO, NSP chose a response option contesting terms of the PCO and submitted a written explanation, information, and other materials. The response letter did not request a hearing. The Commission is continuing to review the response to the PCO.

Order

The Commission orders:

1. NSP violated Title 49 Code of Federal Regulations Part 192 Subpart N by failing to ensure that individuals performing covered tasks on their pipeline facilities were qualified or under direct supervision as required by this part.
2. NSP violated Title 49 Code of Federal Regulations Part 192 section 192.605(a) by failing to adequately prepare and follow a manual of written procedures for conducting operations and maintenance activities.
3. The Commission accepts NSP's payment of \$30,000 in full satisfaction of the civil penalty.

PUBLIC SERVICE COMMISSION

		
Julie Fedorchak Commissioner	Brian Kroshus Chairman	Randy Christmann Commissioner