

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. GS-22-406

ORDER ON NOTICE OF PROBABLE VIOLATION

February 8, 2023

Preliminary Statement

On August 24, 2022, Public Service Commission (Commission) Gas Pipeline Safety Staff Inspectors (Staff) completed a Biennial Distribution Operations & Maintenance (O&M) Records Inspection of Montana-Dakota Utilities Co. (MDU). The inspection was conducted in-person at the MDU offices in Bismarck, North Dakota.

On November 22, 2022, the Gas Pipeline Safety Program Manager issued a Notice of Probable Violation (NOPV) to MDU alleging one violation of Pipeline Safety Regulations and proposed a civil penalty in the amount of \$500.

On December 20, 2022, the Commission received a response from MDU indicating that MDU is not contesting the NOPV and that MDU would remit the total proposed civil penalty amount of \$500.

On January 6, 2023, the Commission received the \$500 civil penalty payment from MDU.

Discussion

During the O&M Distribution Records Inspection, MDU O&M records indicated that the capacity of pressure relief devices at pressure limiting stations and pressure regulating stations was not determined at the frequency required by 49 CFR Part 192.743(a). MDU stated that the capacity of pressure relief devices at pressure limiting stations and pressure regulating stations is being determined, however, only when the facilities are constructed or when equipment is changed or modified.

Failing to determine the capacity of pressure relief devices at pressure limiting stations and pressure regulating stations on a regulated distribution system at the frequency required is a violation of Pipeline Safety Regulation 49 CFR Part 192.743(a) which states:

Pressure relief devices at pressure limiting stations and pressure regulating stations must have sufficient capacity to protect the facilities to which they are

connected. Except as provided in § 192.739(b), the capacity must be consistent with the pressure limits of § 192.201(a). This capacity must be determined at intervals not exceeding 15 months, but at least once each calendar year, by testing the devices in place or by review and calculations.

Pursuant to 49 CFR Part 190 § 190.208, by MDU not contesting the NOPV, paying the proposed penalty and advising the Commission of the payment, MDU has admitted violation and authorized the Commission to make a finding of violation and issue an Order.

Order

The Commission orders:

1. MDU violated 49 CFR Part 192 § 192.743(a) by failing to determine the capacity of pressure relief devices at pressure limiting stations and pressure regulating stations on their regulated distribution system at the frequency required.
2. The Commission accepts MDU's payment of \$500 in full satisfaction of the civil penalty.
3. For identification of Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), the performance is restitution, remediation, or an amount paid to come into compliance with the law. MDU shall provide the Commission with a U.S. Department of the Treasury Internal Revenue Service Form W-9 for the purpose of the identification requirement of 26 U.S.C. § 162(f)(2)(A)(ii) within 14 days of service of the Order.

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner