

Mr. Tony J. Finneman
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, ND 58501

Dear Mr. Finneman:

This replies to your letter dated June 11, 1991, concerning Section 192.707 (c) which states:

"Pipelines aboveground. Line markers must be placed and maintained along each section of a main and transmission line that is located aboveground in an area accessible to the public."

In your letter, you described " a rural farm tap serving more than one customer, that is located on private property, in a cultivated field, 100 yards off an unpaved county road." You stated that the area "is normally encountered only by the landowner." You asked if a pipeline located in such an area is considered "accessible to the public" under §192.707 (c).

For the purpose of Section 192.707 (c), we consider an area accessible to the public if entrance into the area is not physically controlled by the operator or if the area may be entered without difficulty. Based on these criteria and your description of the farm tap's location, we consider the farm tap to be located in an area accessible to the public for the following reasons:

- 1). the area is not under the operator's control, and
- 2). the area is not described as having any man-made or natural impediments to prevent public access.

We trust this satisfactorily responds to your inquiry.

Sincerely,

Cesar De Leon
Director, Regulatory Programs
Office of Pipeline Safety