

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE PROCEDURE )  
FOR CONSIDERATION OF NOTICES OF )  
EXCEPTION UNDER ARSD 20:10:26:04 )  
(6) FROM MASTER METERING )  
PROHIBITION REQUIREMENTS )  
)  
)**

**ORDER ESTABLISHING  
PROCEDURE FOR  
CONSIDERATION OF NOTICES OF  
EXCEPTION (6) FROM MASTER  
METERING PROHIBITION**

**AA14-002**

At its regular meetings on April 15, 2014, and May 13, 2014, the South Dakota Public Utilities Commission (Commission) held discussions on the Commission's role in deciding when individual metering is not required under the master metering rules under the exception in ARSD 20:10:26:04(6). Specifically, the rule requires the developer or owner to "notify the commission so it may determine whether the applicant's system falls within this exception or whether the applicant is required to file an application for a variance." On May 5, 2014, Commission Counsel filed a Memorandum setting forth draft language for both an administrative order and a rule amendment as two possible options for action by the Commission (Memorandum). Following discussion at its regular meeting on May 13, 2014, the Commission voted unanimously to direct the Executive Director to open a docket for consideration of whether to issue an administrative order establishing a procedure for the Commission's determination of whether the system described in a notice given pursuant to ARSD 20:10:26:04(6) falls within the exception from the individual metering requirements set forth in the master metering rules in ARSD Chapter 20:10:26. On May 13, 2014, this docket was opened through the filing of the Memorandum.

On May 15, 2014, the Commission electronically transmitted notice of the filing to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. No petitions to intervene or comments were received.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-34A, particularly 49-34A-93, 16 U.S.C. Chapter 46, Subchapter II, particularly 16 U.S.C. 2623 and 16 U.S.C. 2625, and ARSD Chapter 20:10:26, particularly 20:10:26:04(6).

At its regularly scheduled meeting on May 27, 2014, this matter came before the Commission for consideration and action. Following discussion, the Commission unanimously voted to issue an order setting forth the following procedure for consideration of notices received pursuant to ARSD 20:10:26:04(6):

Upon receipt of a notice under ARSD 20:10:26:04(6), the Executive Director shall cause copies of the notice to be promptly provided to each Commissioner and applicable Staff. The Executive Director shall direct applicable Staff to begin review of the notice and make a determination of whether the system falls within the exception set forth in ARSD 20:10:26:04(6). On or before the close of business on the fifth business day following the Commission's receipt of the notice, the Executive Director or Staff shall advise each of the Commissioners in writing as to what Staff's analysis shows. If the Executive Director determines after Staff's review that there is an issue as to whether the applicant's system falls within this exception, the Executive Director shall cause a docket to be opened within seven business days following receipt of the notice for the purpose of

investigating and determining the applicability of the exception. If within seven business days following the Commission's receipt of the notice, the Executive Director, Staff, or a Commissioner has not opened a docket for the purpose of determining whether the applicant's system falls within this exception, the building shall be deemed to fall within the exception. If no docket is opened by the seventh business day, the Executive Director shall cause a written notice to be sent on the eighth business day following the date of receipt of the notice to the person providing the notice, advising applicant that Staff has determined that the system qualifies for the exception and that by neither Staff or a Commissioner having taken action to have a docket opened within seven business days, the Commission is deemed, under this Order in Docket AA14-002, to have determined that the system qualifies for the exception and that no further action need be taken.

It is therefore

ORDERED, that the procedure set forth above shall be followed by the Commission in considering and taking action on notices received pursuant to ARSD 20:10:26:04(6).

Dated at Pierre, South Dakota, this 5<sup>th</sup> day of June, 2014.

<b>CERTIFICATE OF SERVICE</b>	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.	
By:	<u>Joy Ashley</u>
Date:	<u>6.5.14</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson  
GARY HANSON, Chairman

Chris Nelson  
CHRIS NELSON, Commissioner

Kristie Fiegen  
KRISTIE FIEGEN, Commissioner