

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

**IN THE MATTER OF COMMISSION**            )  
**STAFF’S PETITION FOR**                 )   **Staff’s Reply Brief**  
**DECLARATORY RULING REGARDING**    )  
**FARM TAP CUSTOMERS**                 )   **NG16-014**  
  )  
  )  
  )

On December 7, 2016, Northern Natural Gas (Northern) and NorthWestern Energy (NorthWestern) filed briefs detailing their positions. Through these briefs, Staff obtained more information and a better understanding of the background and roles that the two companies play with respect to the farm tap customers. Therefore, in some respects, Staff is now able to more clearly define its position.

**A. Does the South Dakota Public Utilities Commission (Commission) have jurisdiction over the utility providing natural gas to farm tap customers?**

As a preliminary matter, retail natural gas service provided by a public utility through a farm tap, like any other connection, is the type of service which falls within the jurisdiction of the Commission. Therefore, if the entity providing service is a public utility, that entity is subject to the Commission’s jurisdiction. For the purposes of this docket, the relevant jurisdiction is the Commission’s authority under SDCL 49-34A-2 to require a public utility to obtain Commission permission prior to discontinuing gas service. Thus, it is necessary to determine if there is a public utility and if that utility would be discontinuing service. Staff notes that neither Northern nor NorthWestern has made a formal request to the Commission to discontinue service, and Staff does not have the authority to do that in their place. However, as noted in Staff’ Memorandum to its Petition for Declaratory Ruling, Staff believes the Commission already gave permission to discontinue service through its order in Docket NG11-

001, which includes an expiration date of December 31, 2017, if it is determined permission to discontinue service is required.

A public utility is defined as any person operating, maintaining, or controlling in this state equipment or facilities for the purpose of providing gas or electric service to or for the public in whole or in part, in this state. SDCL 49-34A-1(12). We first explore whether NorthWestern meets that definition in the context relevant to this docket.

Northern states in its brief that the Commission has already found that NorthWestern is a public utility, quoting the Commission's order in Docket No. NG11-001. Northern at 13. The Commission's statement in that docket that NorthWestern is a public utility was with reference to the purchase of the Milbank pipeline. The Milbank pipeline and customers along that line are distinct from the 200 farm tap customers at issue in this docket. Staff agrees that, with respect to the Milbank pipeline customers, NorthWestern is a public utility and clearly falls under the jurisdiction of the Commission. However, the facts differ significantly between the customers on the Milbank pipeline and the farm tap customers NorthWestern serves pursuant to the Minnesota Energy Resources Corporation (MERC) contract expiring at the end of 2017. Most importantly, NorthWestern owns the Milbank pipeline and has exclusive control of the equipment or facilities used to provide gas service.

Exhibit A, attached to Northern's brief provides a description of the services NorthWestern provides to the farm tap customers along Northern's line. The responsibilities for which NorthWestern contracted originated from the 1987 contract and are markedly different from those responsibilities set forth in the 1985 contract. Most importantly, the 1985 contract had no end date, whereas the 1987 contract expires in 2017.

Under the 1985 contract, UtiliCorp purchased from Northern all assets of Peoples Natural Gas Company (Peoples) and expressly “assumed all of Peoples rights, duties, liabilities, and obligations in regard to farm taps...” This contract provided that Northern would retain all general operation and responsibility for farm taps which were Northern’s prior to the contract, and UtiliCorp would assume all general operation and responsibility for farm taps which were Peoples’ responsibility prior to the closing of the contract. Applying the terms of this contract to the definition of a public utility if this contract were in force today, UtiliCorp would be a public utility, as it clearly contracted to operate, maintain, or control equipment or facilities for the purpose of providing gas service.

The responsibilities for which NorthWestern and its predecessors contracted are distinct from the 1985 contract. Contrary to Northern’s assertion, NorthWestern and its predecessors date back to the 1987 contract, rather than the 1985 contract. It was the 1987 contract which was assigned. Nothing provided in the briefs submitted by Northern or NorthWestern shows that the 1985 contract was ever assigned, much less that it was ultimately assigned to NorthWestern.

The 1987 agreement was attached to Northern’s brief as Attachment A. At the time this contract was entered into, Peoples was no longer a subsidiary of Northern, but was owned by UtiliCorp. In the 1987 agreement, Peoples contracted to “[r]espond as a third party contractor to customers’ needs related to appliance purchase or service, fuel line or irrigation equipment.” And to perform other duties as described in Exhibit 1 to the contract. In the contract, Peoples expressly agreed to serve as a public utility. This agreement was to be effective until May 17, 2017. It is impossible to discern what the parties intended should happen following the termination date in 2017, but it is clear that both sides were aware that this was only a thirty-year agreement. There is nothing in the record to indicate that either party did anything to correct that

after the Federal Energy Regulatory Commission (FERC) passed FERC Order 636, prohibiting Northern from directly selling to end users. The 1987 agreement prohibited either party from assigning its responsibilities without the express written consent of the other party. Therefore, each time the agreement was assigned, the other party was fully aware of what responsibilities were being assigned and which were not.

The agreement signed by NorthWestern, Minnesota Energy Resources Corporation (MERC), and Northern references the 1987 agreement in the first paragraph. It is clear from the assignment that the agreement which NorthWestern contracted to inherit was the 1987 agreement. No reference to the 1985 agreement is made. By signing the partial assignment of agreement, NorthWestern agreed to “assume and perform all of the responsibilities of [MERC], under the [1987] Agreement with respect to customers located in the state of South Dakota; provided that [NorthWestern] shall not be assuming or responsible for any obligations set for in paragraph 2 of Exhibit 1 of the Agreement; provided, further, that [NorthWestern] shall not be assuming or responsible for the obligation to check delivery pressure as set forth in paragraph 3 of Exhibit 1 to the Agreement.”

Section 1 of the 1987 agreement states that “Peoples shall operate as a public utility and provide the services herein described and as are set forth on the attached Exhibit 1.” This language was not stricken when NorthWestern assumed the contract. However, merely stating that one will operate as a public utility does not make that company a public utility under the laws of the state of South Dakota. Section 9 of the agreement acknowledges that all rights and obligations are subject to all valid legislation, as well as all approved tariff provisions. It is the actions of NorthWestern that should determine whether it has acted as a public utility with

respect to the farm tap customers, as those actions determine compliance with applicable regulations.

One notable provision of the 1987 contract is section 11, which provides that the Peoples could close Northern's inlet valve for nonpayment of bills. This provision was not excluded from the assignment of the contract. The ability to close a valve, effectively shutting off gas service to a customer, demonstrates control over "facilities for the purpose of providing gas or electric service to or for the public in whole or in part" as provided by SDCL 49-34A-1(12). Staff has always understood that NorthWestern believed it was unable to shut the valve and discontinue service for nonpayment of bills. Noting that the contract says otherwise, Staff questions how NorthWestern came to that conclusion and looks forward to its explanation.

NorthWestern argues that the statute's requirement that the service be provided for the public in whole or in part precludes it from being a public utility, relying on decisions from other jurisdictions holding that the hallmark of *public* is the inability to refuse service. NWE at 7. NorthWestern quotes a Pennsylvania court holding which states "a public utility holds itself out to the public generally and may not refuse legitimate demand for service." *Pennsylvania v. Lafferty*, 233 A.2d 256, 260 (Penn. 1967). This Pennsylvania decision is consistent with the law in South Dakota. The requirement to serve all demands for service is less stringent for gas service than electric service, as gas companies in South Dakota do not maintain exclusive service territories and are not subject to the requirements of SDCL 49-34A-58. NorthWestern is able to refuse gas service upon the expiration of its contract. Therefore, NorthWestern is not a public utility beyond December 31, 2017, with respect to the farm tap customers.

Northern has control of facilities within this state, but clearly has the ability to refuse service. In fact, Northern is prohibited by FERC Order 636 from providing retail service to South Dakota customers. Thus, Northern is not a public utility.

**B. Which entity is a public utility with respect to the farm tap customers?**

For the reasons discussed above, Northern is not a public utility, and NorthWestern is a public utility only through 2017. It is unclear what entity, if any, is a public utility after 2017.

Staff is generally aware that a contract between Aquila<sup>1</sup> and MERC exists, but such agreement has not been filed in the docket. It could prove helpful in determining what entity is a public utility in this circumstance. As part of this transaction, the 1985 agreement was likely transferred from Aquila to MERC. Because Northern must agree to any assignment of the 1985 agreement, Northern is in the best position to answer this question.

**C. Does the Commission have jurisdiction over farm taps for the purpose of pipeline safety pursuant to SDCL Chapter 49-34B?**

Northern has not provided proof that it is under a blanket FERC certificate for the farm taps in South Dakota. It is necessary for Pipeline Safety Staff to have this certificate in order to determine whether Northern is under state jurisdiction for the purposes of pipeline safety inspections. Without this information, Staff is unable to conclusively determine where jurisdiction lies, but remains concerned that these farm taps are not being inspected. See Hillmer Affidavit attached hereto as Attachment 1.

**CONCLUSION**

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<sup>1</sup> UtiliCorp later changed its name to Aquila.

The Commission has jurisdiction over retail sales to an end user by a public utility under SDCL Chapter 49-34A. Northern is not a public utility. Any responsibility that Northern had as a public utility was transferred in the 1985 agreement. NorthWestern assumed the responsibility to be a public utility through 2017, by assuming the 1987 agreement. However, those obligations will end with the contract, and NorthWestern will no longer be a public utility for the farm tap customers. The ongoing responsibility to be a public utility was written into the 1985 agreement, which was not the agreement NorthWestern assumed. The current status of the 1985 agreement is unknown to Staff. The 1985 agreement likely transferred from Aquila to MERC. Because all transfers had to be agreed to in writing by Northern, Northern is in the best position to answer that question.

Staff does not have adequate information to conclusively answer the pipeline safety question at this time. However, if Northern can show that it is under a blanket FERC certificate with respect to farm taps in South Dakota, the Commission does not have jurisdiction pursuant to SDCL Chapter 49-34B.

Dated this 12th day of December, 2016.



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Staff Attorney  
South Dakota Public Utilities Commission  
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Pierre, SD 57501  
Phone (605)773-3201  
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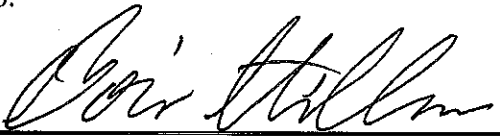
AFFIDAVIT

State of South Dakota )  
 ) ss.  
County of Hughes )

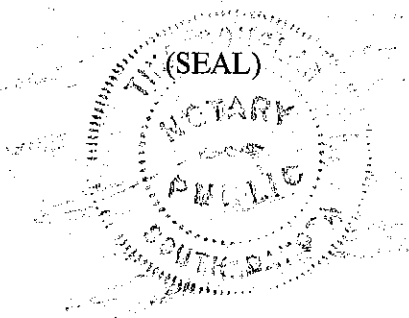
I, Boice Hillmer, being of legal age, and first duly sworn upon oath, state as follows:

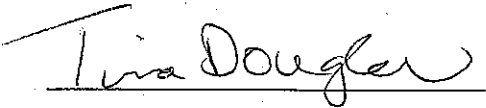
1. My business address is 500 E. Capitol Avenue, Pierre, South Dakota.
2. I am a pipeline safety inspector for the South Dakota Public Utilities Commission (Commission).
3. I have been employed in this capacity since 2013.
4. I am familiar with the duties of the Commission's pipeline safety program.
5. Currently, we do not inspect the farm taps on the Northern Natural Gas (Northern) pipeline.
6. Pipeline safety staff did inspect Northern's farm tap facilities in 2014.
7. Pipeline safety staff requested to Northern to inspect their farm tap facilities in 2016. Northern refused the request, stating that it is under the jurisdiction of the Federal Energy Regulatory Commission. See Exhibit A.
8. I am aware that the Pipeline and Hazardous Material Safety Administration (PHMSA) is not inspecting Northern's farm taps.
9. I am familiar with Northern's annual report to PHMSA, attached hereto. In its annual report, Northern reports distribution lines in this state. See Exhibit B.

Dated this 12<sup>th</sup> day of December, 2016.

  
Boice Hillmer

On this 12th day of December, 2016, came before me, a Notary Public in and for the State of South Dakota, Boice Hillmer, who is well known to me and who, having been first duly sworn, executed the foregoing Affidavit in my presence.



  
Notary Public  
My Commission Expires:

TINA DOUGLAS  
My Commission Expires  
April 14, 2017





Legal Department  
1111 South 103rd Street  
Omaha NE 68124  
Phone: 402-398-7003  
Fax: 402-398-7426  
jim.talcott@nngco.com

May 6, 2016

**SENT VIA EMAIL**

Mary Zanter  
Pipeline Safety Program Manager  
State of South Dakota Public Utilities Commission  
500 East Capitol Ave.  
Pierre, SD 57501

RE: Response to April 26, 2016 Email Correspondence

Dear Ms. Zanter:

In an email dated April 26, 2016, you requested from Northern Natural Gas Company ("Northern") a copy of the letter sent from Northern to its customers in South Dakota regarding 49 CFR 192.16, and threatened enforcement action "if the customer notification is not being sent." Based on our telephone conversation yesterday, we understand your inquiry relates to "farm tap" settings in the state of South Dakota through which Northern provides interstate transportation services, regulated by the Federal Energy Regulatory Commission ("Commission" or "FERC"), to a natural gas distribution company for distribution and sale by the natural gas distribution company to end use customers. Northern enjoys a positive relationship with state and local regulators as partners in maintaining a safe natural gas delivery system, and Northern has responded to previous inquiries from the South Dakota Public Utilities Commission ("SDPUC") with regard to farm tap settings. However, as explained below, Northern does not own, operate or maintain any facilities in the state of South Dakota subject to regulation by the SDPUC, and, therefore, Northern respectfully disagrees the SDPUC has authority to pursue any such enforcement action.

Northern is a "natural gas company" as that term is defined in the Natural Gas Act (15 U.S.C.A. § 717 et seq.) operating interstate natural gas transmission facilities subject to the jurisdiction of the Commission. Northern's typical farm tap setting consists of a tap, riser, valves, regulators and a meter. Northern owns, operates and maintains only the tap, riser, valves, regulators and meter to the custody transfer point to the local distribution company. The tap, riser, valves, regulators and meter owned, operated and maintained by Northern are part of Northern's interstate natural gas transmission facilities, which provide interstate natural gas transportation service to local distribution utilities pursuant to Northern's FERC Gas Tariff. End use customers purchase the gas from the local distribution company pursuant to the local distribution company's state approved tariff provisions. Northern does not design, construct, own, operate or maintain any facilities downstream of

the custody transfer point on Northern's Commission-regulated interstate transmission facilities.

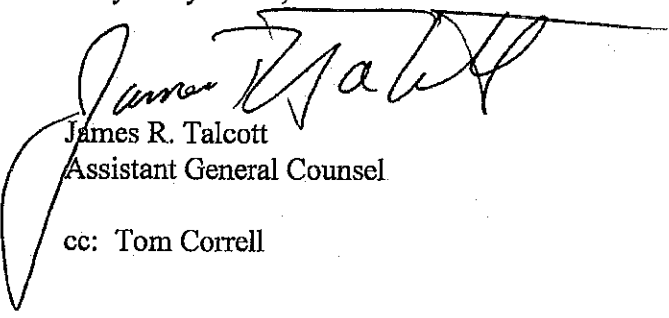
The Commission has long recognized farm tap facilities, used in the transportation and sale for resale of natural gas in interstate commerce, are subject to Commission jurisdiction under the Natural Gas Act. See, *Texas Gas Transmission Corporation*, Docket No. CP78-300, 11 FERC ¶ 61,111 (May 2, 1980); *Arkansas Louisiana Gas Company*, Docket No. CP80-503, 15 FERC ¶ 61,077 (April 27, 1981). The Commission regulations at 18 CFR § 157.211 authorize a blanket certificate holder (such as Northern, as it was granted such authority in FERC Docket No. CP82-401) "to acquire, construct, replace, modify, or operate any delivery point." Given the relatively low cost of farm tap facilities, Northern typically constructs and installs farm taps, as a delivery point, under its automatic blanket authority found in 18 CFR § 157.211. Northern reports the construction of farm taps in its annual report to the Commission (see, 18 CFR § 157.207(b)). As an interstate natural gas pipeline, Northern is authorized to remove (abandon) farm tap facilities or service under 18 CFR § 157.216(a)(1). Farm tap abandonments are reported annually in the aforementioned report.

Because Northern's farm tap facilities in the state of South Dakota are (a) used to transport gas and (b) subject to the jurisdiction of the Commission under the Natural Gas Act, such facilities are "interstate gas pipeline facilities" as defined in the Pipeline Safety Act (49 U.S.C.A. § 60101 (a)(6)) subject to the exclusive safety regulation of the Pipeline and Hazardous Material Safety Administration (PHMSA).

In summary, because all of the natural gas facilities Northern owns, operates and maintains in the state of South Dakota, including farm tap settings, are interstate natural gas facilities regulated by the Commission, and are subject to the exclusive safety jurisdiction of PHMSA, Northern respectfully disagrees with your view that the SDPUC has authority to pursue your inquiry.

Should you have any questions, please feel free to contact me.

Very Truly Yours,



James R. Talcott  
Assistant General Counsel

cc: Tom Correll

NOTICE: This report is required by 49 CFR Part 191. Failure to report can result in a civil penalty not to exceed 100,000 for each violation for each day that such violation persists except that the maximum civil penalty shall not exceed \$1,000,000 as provided in 49 USC 60122.

OMB NO: 2137-0629  
EXPIRATION DATE: 5/31/2018



U.S Department of Transportation  
Pipeline and Hazardous Materials Safety Administration

Initial Date Submitted: 02/18/2016  
Form Type: INITIAL  
Date Submitted:

**ANNUAL REPORT FOR  
CALENDAR YEAR 2015  
GAS DISTRIBUTION SYSTEM**

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2137-0629. Public reporting for this collection of information is estimated to be approximately 16 hours per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, PHMSA, Office of Pipeline Safety (PHP-30) 1200 New Jersey Avenue, SE, Washington, D.C. 20590.

**Important:** Please read the separate instructions for completing this form before you begin. They clarify the information requested and provide specific examples. If you do not have a copy of the instructions, you can obtain one from the PHMSA Pipeline Safety Community Web Page at <http://www.phmsa.dot.gov/pipeline/library/forms>.

**PART A - OPERATOR INFORMATION** (DOT use only) 20154904-27190

1. Name of Operator	NORTHERN NATURAL GAS CO
2. LOCATION OF OFFICE (WHERE ADDITIONAL INFORMATION MAY BE OBTAINED)	
2a. Street Address	1111 South 103rd Street OMA243
2b. City and County	Omaha
2c. State	NE
2d. Zip Code	68124
3. OPERATOR'S 5 DIGIT IDENTIFICATION NUMBER	13750
4. HEADQUARTERS NAME & ADDRESS	
4a. Street Address	1111 SOUTH 103RD STREET
4b. City and County	OMAHA
4c. State	NE
4d. Zip Code	68124
5. STATE IN WHICH SYSTEM OPERATES	(SD)
6. THIS REPORT PERTAINS TO THE FOLLOWING COMMODITY GROUP (Select Commodity Group based on the predominant gas carried and complete the report for that Commodity Group. File a separate report for each Commodity Group included in this OPID.)	
Natural Gas	
7. THIS REPORT PERTAINS TO THE FOLLOWING TYPE OF OPERATOR (Select Type of Operator based on the structure of the company included in this OPID for which this report is being submitted.):	
Investor Owned	

**PART B - SYSTEM DESCRIPTION**

1. GENERAL	STEEL				PLASTIC	CAST/ WROUGHT IRON	DUCTILE IRON	COPPER	OTHER	RECONDITION ED CAST IRON	SYSTEM TOTAL
	UNPROTECTED		CATHODICALLY PROTECTED								
	BARE	COATED	BARE	COATED							
MILES OF MAIN	0	0	0	0	0	0	0	0	0	0	
NO. OF SERVICES	0	219	0	0	0	0	0	0	0	219	

2.MILES OF MAINS IN SYSTEM AT END OF YEAR							
MATERIAL	UNKNOWN	2" OR LESS	OVER 2" THRU 4"	OVER 4" THRU 8"	OVER 8" THRU 12"	OVER 12"	SYSTEM TOTALS
STEEL	0	0	0	0	0	0	0.00
DUCTILE IRON	0	0	0	0	0	0	0.00
COPPER	0	0	0	0	0	0	0.00
CAST/WROUGHT IRON	0	0	0	0	0	0	0.00
PLASTIC PVC	0	0	0	0	0	0	0.00
PLASTIC PE	0	0	0	0	0	0	0.00
PLASTIC ABS	0	0	0	0	0	0	0.00
PLASTIC OTHER	0	0	0	0	0	0	0.00
OTHER	0	0	0	0	0	0	0.00
RECONDITIONED CAST IRON	0	0	0	0	0	0	0.00
TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Describe Other Material:

3.NUMBER OF SERVICES IN SYSTEM AT END OF YEAR						AVERAGE SERVICE LENGTH: 2	
MATERIAL	UNKNOWN	1" OR LESS	OVER 1" THRU 2"	OVER 2" THRU 4"	OVER 4" THRU 8"	OVER 8"	SYSTEM TOTALS
STEEL	0	0	219	0	0	0	219
DUCTILE IRON	0	0	0	0	0	0	0
COPPER	0	0	0	0	0	0	0
CAST/WROUGHT IRON	0	0	0	0	0	0	0
PLASTIC PVC	0	0	0	0	0	0	0
PLASTIC PE	0	0	0	0	0	0	0
PLASTIC ABS	0	0	0	0	0	0	0
PLASTIC OTHER	0	0	0	0	0	0	0
OTHER	0	0	0	0	0	0	0
RECONDITIONED CAST IRON	0	0	0	0	0	0	0
TOTAL	0	0	219	0	0	0	219

Describe Other Material:

4.MILES OF MAIN AND NUMBER OF SERVICES BY DECADE OF INSTALLATION											
	UNKNOWN	PRE-1940	1940-1949	1950-1959	1960-1969	1970-1979	1980-1989	1990-1999	2000-2009	2010-2019	TOTAL

MILES OF MAIN	0	0	0	0	0	0	0	0	0	0	0
NUMBER OF SERVICES	219	0	0	0	0	0	0	0	0	0	219

**PART C - TOTAL LEAKS AND HAZARDOUS LEAKS ELIMINATED/REPAIRED DURING THE YEAR**

CAUSE OF LEAK	MAINS		SERVICES	
	TOTAL	HAZARDOUS	TOTAL	HAZARDOUS
CORROSION FAILURE				
NATURAL FORCE DAMAGE				
EXCAVATION DAMAGE				
OTHER OUTSIDE FORCE DAMAGE				
PIPE, WELD OR JOINT FAILURE				
EQUIPMENT FAILURE				
INCORRECT OPERATIONS				
OTHER CAUSE				

NUMBER OF KNOWN SYSTEM LEAKS AT END OF YEAR SCHEDULED FOR REPAIR : 0

**PART D - EXCAVATION DAMAGE**      **PART E - EXCESS FLOW VALUE (EFV) DATA**

1. TOTAL NUMBER OF EXCAVATION DAMAGES BY APPARENT ROOT CAUSE: <u>0</u>	NUMBER OF EFV'S INSTALLED THIS CALENDER YEAR ON SINGLE FAMILY RESIDENTIAL SERVICES: <u>0</u>
a. One-Call Notification Practices Not Sufficient: <u>0</u>	ESTIMATED NUMBER OF EFV'S IN THE SYSTEM AT THE END OF YEAR: <u>0</u>
b. Locating Practices Not Sufficient: <u>0</u>	
c. Excavation Practices Not Sufficient: <u>0</u>	
d. Other: <u>0</u>	
2. NUMBER OF EXCAVATION TICKETS : <u>0</u>	

**PART F - LEAKS ON FEDERAL LAND**      **PART G - PERCENT OF UNACCOUNTED FOR GAS**

TOTAL NUMBER OF LEAKS ON FEDERAL LAND REPAIRED OR SCHEDULED TO REPAIR: <u>0</u>	UNACCOUNTED FOR GAS AS A PERCENT OF TOTAL INPUT FOR THE 12 MONTHS ENDING JUNE 30 OF THE REPORTING YEAR. INPUT FOR YEAR ENDING 6/30: <u>0%</u>
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**PART H - ADDITIONAL INFORMATION**

Northern is anticipating the proposed rulemaking (PHMSA-2013-0163-0046) action that would amend the Federal pipeline safety regulations in 49 CFR part 192 to add a new §192.740 to cover regulators and overpressure protection equipment for an individual service line that originates from a transmission, gathering, or production pipeline (i.e., a farm tap), and to revise § 192.1003 to exclude farm taps from the requirements of the Distribution Integrity Management Program (DIMP).

**PART I - PREPARER**

John Gormley, operator (Preparer's Name and Title)	(402) 398-7494 (Area Code and Telephone Number)
john.gormley@nngco.com (Preparer's email address)	(Area Code and Facsimile Number)

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

<b>IN THE MATTER OF COMMISSION )</b>	
<b>STAFF'S PETITION FOR DECLARATORY )</b>	<b>CERTIFICATE OF SERVICE</b>
<b>RULING REGARDING FARM TAP )</b>	
<b>CUSTOMERS )</b>	<b>NG16-014</b>

I hereby certify that true and correct copies of Staff Reply Brief with Attachment 1 and Certificate of Service were served electronically to the Parties listed below, on the 12<sup>th</sup> day of December, 2016, addressed to:

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