

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

IN THE MATTER OF COMMISSION)
STAFF’S PETITION FOR)
DECLARATORY RULING REGARDING)
FARM TAP CUSTOMERS)
)
)

Staff’s Motion for Judicial Notice
NG16-014

COMES NOW, Staff of the South Dakota Public Utilities Commission by and through its undersigned attorney and hereby requests the Public Utilities Commission (Commission) take judicial notice of the following facts:

1. NorthWestern Energy (NorthWestern) serves five farm tap customers that are not part of the group of 197 farm tap end users that were the primary subject of the Petition for Declaratory Ruling.
2. NorthWestern does not serve those five customers pursuant to a contract for service.
3. The five customers are charged a general service rate pursuant to NorthWestern’s tariff, on file with the Commission.
4. NorthWestern owns, maintains, and operates the facilities serving these five customers.
5. These customers were served by NorthWestern pursuant to the provisions of NorthWestern’s tariff prior to 2011, when NorthWestern began providing services to the 197 customers.

Pursuant to SDCL 19-19-201, judicial notice may be taken of any “fact that is not subject to reasonable dispute because it (1) is generally known within the trial court’s jurisdiction or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” The Commission may take judicial notice at any stage during the proceeding. SDCL 19-19-201(d).

Judicial notice of the above facts is appropriate because they are generally known within the Commission’s jurisdiction. The Commission has jurisdiction to approve NorthWestern’s tariff and the rates therein. The Commission regulates “all rates, fees, and charges for the public

utility service of all public utilities.” SDCL 49-34A-6. Therefore, the fact that the five customers are served pursuant to NorthWestern’s general service rate is a fact that is both generally known and readily determined.

Dated this 30th day of December, 2016.

A handwritten signature in blue ink that reads "Kristen Edwards". The signature is written in a cursive style and is positioned above a horizontal line.

Kristen N. Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501
Phone (605)773-3201
Kristen.edwards@state.sd.us

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IN THE MATTER OF COMMISSION STAFF'S)
PETITION FOR DECLARATORY RULING)
REGARDING FARM TAP CUSTOMERS)
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CERTIFICATE OF SERVICE

NG16-014

I hereby certify that true and correct copies of Staff's Motion for Judicial Notice and Certificate of Service were served electronically to the all Parties listed on the service list, on the 30th day of December, 2016.



Kristen N. Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501