

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

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

On November 9, 2016, the South Dakota Public Utilities Commission Staff filed a petition with the South Dakota Public Utilities Commission for a declaratory ruling to resolve the following issues: 1) Does the Commission have jurisdiction over any utility providing natural gas to farm tap customers taking natural gas from the transmission line owned and operated by Northern Natural Gas Company (Northern)? 2) If so, which entity, NorthWestern Corporation dba NorthWestern Energy (NorthWestern) or Northern, if either, is a public utility as defined by SDCL Chapter 49 with respect to these farm tap customers? 3) Are the farm taps in whole or in part subject to state jurisdiction for the purpose of pipeline safety pursuant to SDCL Chapter 49-34B?

On November 10, 2016, the Commission electronically transmitted notice of the filing and the intervention deadline of November 21, 2016, to interested individuals and entities on the Commission's PUC Weekly Filings listserv. On November 23, 2016, the Commission issued an Order Granting Intervention, granting intervention to Northern, Northwestern, and Montana-Dakota Utilities. The Commission issued an Order for and Notice of Hearing on November 30, 2016. The hearing was held as scheduled on December 14, 2016.

On January 12, 2017, the Parties filed a Stipulation and Request for Deferral (Request) asking the Commission to defer its decision until February 10, 2017.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A, and ARSD 20:10:01:01 and 20:10:01:14. The Commission may rely upon any or all of these or other laws of this state in making its determination.

At its regularly scheduled meeting on January 17, 2017, the Commission considered the Request. Finding that the request would be detrimental to the farm tap customers, the Commission voted to deny the Request.

It is therefore

ORDERED, that the Parties' Request for Deferral is denied.

Dated at Pierre, South Dakota, this 19<sup>th</sup> day of January, 2017.

<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 or by mail.
By: <u>Adam Detrick</u>
Date: <u>1/19/17</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen  
KRISTIE FIEGEN, Chairperson

Gary Hanson  
GARY HANSON, Commissioner

Chris Nelson  
CHRIS NELSON, Commissioner