

EXHIBIT A

SOUTH DAKOTA STATUTES

49-34A-97. Approval of tariff mechanisms for automatic annual adjustment of charges for environmental improvements. Notwithstanding any other provisions of this chapter, the commission may approve a tariff mechanism for the automatic annual adjustment of charges for the jurisdictional capital costs and operating expenses incurred by a public utility for environmental improvements to its existing electric generation facilities. For the purposes of §§ 49-34A-97 to 49-34A-100, inclusive, environmental improvements include any requirements under the Clean Air Act, the Clean Water Act, or any other federal law or rule, or any state law or rule implementing a federal law or rule, or voluntary environmental measures designed to protect the environment.

49-34A-98. Approval, rejection, or modification of certain electric service tariffs. Upon filing of an application consistent with rules promulgated by the commission by any public utility providing electric service, the commission may approve, reject, or modify, after notice and opportunity for hearing, a tariff that:

- (1) Allows the public utility to recover on a timely basis the costs and expenses net of revenues of environmental improvements described in § 49-34A-97;
- (2) Allows a return on investment at the level approved in the public utility's last general rate case, unless a different return is found to be consistent with the public interest;
- (3) Provides a current return on construction work in progress, if the recovery from retail customers for the allowance for funds used during construction is not obtained through any other mechanism;
- (4) Allocates project costs and expenses appropriately between wholesale and retail customers; and
- (5) Terminates recovery once costs and expenses have been fully recovered or have otherwise been reflected in the public utility's general rates.

49-34A-99. Annual rate adjustment filings for certain electric service tariffs. A public utility may file annual rate adjustments to be applied to customer bills paid under the tariff approved pursuant to § 49-34A-98. In the utility's filing, the public utility shall provide:

- (1) A description of and context for the costs and expenses of environmental improvements included for recovery;
- (2) A schedule for implementation of applicable projects;
- (3) The public utility's costs and expenses for these projects;
- (4) A description of the public utility's efforts to ensure the lowest reasonable costs to ratepayers for the project;
- (5) Calculations to establish that the rate adjustment is consistent with the terms of the tariff established in § 49-34A-98; and
- (6) Other information requested by the commission.

49-34A-100. Approval, rejection, or modification of annual rate adjustment. Upon receiving filing under § 49-34A-99 for a rate adjustment pursuant to the tariff established in § 49-34A-98, the commission may approve, reject, or modify the annual rate adjustment after notice and opportunity for hearing. In making its decision, the commission shall consider whether the costs and expenses included for recovery through the tariff were or are expected to be prudently incurred, will achieve environmental improvements at the lowest reasonable cost to ratepayers, and will allow the public utility to recover costs

consistent with its allowed return on equity. To the extent the environmental improvement may affect the following, the commission may also consider whether the environmental improvement is likely to enhance adequate utility service, rate stability, the financial stability of the public utility, reasonable capital costs, just and reasonable rates, a fair rate of return, and other considerations that benefit the public interest.