

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

**IN THE MATTER OF RANDALL)
COMMUNITY WATER DISTRICT'S)
PETITION FOR A DECLARATORY)
RULING DETERMINING IF SOUTH)
DAKOTA LAW WOULD ALLOW)
PETITIONER TO DEVELOP AND OWN)
ITS OWN RENEWABLE ENERGY)**

**REQUEST FOR
ORAL ARGUMENT**

EL18-061

COMES NOW, Staff (Staff) of the South Dakota Public Utilities Commission (Commission) and requests the Commission issue an Order for Oral Arguments in this matter.


This declaratory ruling docket was opened on December 19, 2018. Five parties have filed petitions to intervene. Pursuant to ARSD 20:10:01:35, the Commission shall issue a ruling within sixty days after the filing of the request unless the petitioner agrees to a longer period of time or the *Commission* requests additional information from the petitioner. It is noteworthy that the rule specifies Commission requests, not discovery requested by other parties. Therefore, any desire to seek discovery on behalf of other parties does not constitute cause for waiver of the sixty-day requirement.

This is not a trial of the facts. In a petition for declaratory ruling, the agency makes a ruling “based on any state of facts described by a petition including assumed state of facts.”¹ Therefore, this docket is solely about answering the legal question as applied to the facts presented in the Petition. Anyone seeking application of rules to a different or alternate set of facts should file another declaratory ruling petition or file a complaint in a separate docket proceeding. For this reason, a lengthy procedural schedule is neither necessary nor permissible. Therefore, Staff

¹ *In re Petition for Declaratory Ruling re SDCL 62-1-1(6)*, 2016 SD 21, ¶ 10, 877 NW2d 340, quoting *Power Authority of State of New York v. New York State Department of Environmental Conservation*, 58 N.Y.2d 427, 461 N.Y.S.2d 769, 448 N.E.2d 436, 438–39 (1983).

requests that at the time the Commission rules on the petitions for intervention, the Commission issue an order establishing a brief period for oral argument at its regularly scheduled meeting on February 1, 2019.

Dated this 7th day of January 2019.



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