

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

IN THE MATTER OF THE)	
APPLICATION OF SOUTH DAKOTA)	NG17-009
INTRASTATE PIPELINE COMPANY)	
FOR AUTHORITY TO INCREASE ITS)	MOTION FOR COMMISSION REVIEW
NATURAL GAS RATES)	

Comes now, Montana-Dakota Utilities Co., a division of MDU Resources Group, Inc. (Montana-Dakota) by and through its attorney of record and moves the Commission for an Order striking the South Dakota Interstate Pipeline (SDIP) claim of confidentiality made in its June 29, 2017 letter and opening the docket submissions to Montana-Dakota and the public for review.

On June 29, 2017, SDIP made an extensive filing of schedules supporting its application to the Commission for authority to increase its tariffed rates for service. SDIP has chosen to broadly claim the entire submission as confidential and with citations to commission rule and State statute but without descriptions or specifics as to why the claim is supported. Commission rules require SDIP to prove why the entire submission should be kept confidential.

Montana-Dakota has not and cannot currently see the docket submissions. Based on the experience of the company and counsel, Montana-Dakota disputes that the entire filing is confidential, and argues that both Montana Dakota and the public are entitled to view the information freely and openly.

SDCL 49-34A-6: Every rate made, demanded or received by any public utility shall be just and reasonable. Every unjust or unreasonable rate shall be prohibited. The Public Utilities Commission is hereby authorized, empowered and directed to regulate all rates, fees and charges

for the public utility service of all public utilities, including penalty for late payments, to the end that the public shall pay only just and reasonable rates for service rendered.

SDCL 49-34A-10. Pursuant to rules promulgated under chapter 1-26 by the Public Utilities Commission, every public utility shall file with the commission, within such time and in such form as the commission may designate, tariffs and schedules showing the terms and conditions of service and all rates established by the public utility and collected or enforced, or to be collected or enforced, within the jurisdiction of the commission. The public utility shall keep copies of such tariffs and schedules open to public inspection under such rules as the commission may promulgate. Schedules and tariffs approved by the commission have the force and effect of law.

20:10:01:42. Requirements for proving confidentiality. A request for confidentiality generates confidential treatment of information pursuant to § 20:10:01:40, but it does not constitute a determination that the information is or is not confidential. The information will be treated as confidential and shall not be released until after a confidentiality determination has been made. The commission shall determine confidentiality after a request for access to the information is received. The party requesting confidentiality has the burden of proving by a preponderance of the evidence that the information qualifies as confidential information by showing that disclosure would result in material damage to its financial or competitive position, reveal a trade secret, or impair the public interest.

Under the rule, SDIP bears the burden of showing why such filings should be confidential and should be put to the test. The Commission should review the submission and

determine what if anything should be kept confidential and what if anything should be made public. Without extensive public filings, there is no way for the public to gauge adherence by the Commission or the Applicant to the laws and rules. The rates are public, and the information used to determine the rates must also be freely reviewable for the public to have confidence in the system.

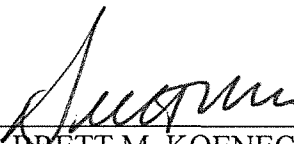
Further, Montana-Dakota as an intervener and rate payer is disadvantaged by the actions of the Applicant. Neither Montana-Dakota nor anyone else should have to make a motion to the Commission in order to obtain access to the filings made confidential by the Applicant in such a broad sweeping manner.

WHEREUPON, pursuant to rule, Montana-Dakota seeks the Commission's order reviewing the filing, making a confidentiality determination and ultimately making the entirety of the filing free and public to all, including Montana-Dakota.

Dated this 11 day of July, 2017.

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