

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

**IN THE MATTER OF THE
APPLICATION OF SOUTH DAKOTA
INTRASTATE PIPELINE FOR
AUTHORITY TO INCREASE ITS
NATURAL GAS RATES**

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* **STAFF’S MOTION TO COMPEL SDIP
TO PROVIDE RESPONSES TO
STAFF’S DISCOVERY REQUESTS**
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NG17-009

COMES NOW the Public Utilities Commission Staff (Staff) and hereby files this Motion to Compel SDIP to Provide Responses to Staff’s Data Requests pursuant to ARSD 20:10:01:22.01 and SDCL 15-6-37(a).

I. BACKGROUND

On June 1, 2017, SDIP made an initial filing of a letter to open a docket to increase its natural gas rates. The filing came as a result of a settlement stipulation entered into on September 26, 2016 by SDIP, MDU, and Staff in Docket NG16-006. On June 29, 2017, SDIP filed documents in support of its application letter. As Staff reviewed the documents, it became evident that the filing did not include the information needed to process the application and Staff began sending discovery requests to obtain that information on July 11, 2017. Staff has sent the data requests listed below:

Date DR Sent	Requested Due Date	Response Received	Comments
DR 1-7/11/2017	7/25/2017	7/21/2017	
DR 2-8/16/2017	8/30/2017 *On 8/28- SDIP emailed and indicated they felt the DR should be due 8/31 because it was sent at 5:00pm-Staff agreed to this	8/31/2017-Received a partial response	-Response to 2-3(a) was provided 10/16/2-17 -Still waiting for response 2-3(b)-SDIP did indicate that the information would be provided by the end of October, Staff agreed to this deadline

DR 3-9/15/2017	9/29/2017 *Agreed to an extension to 10/4	10/4/2017-Received a partial response at 5:07pm -Supplemental 10/6/2017 and 10/13/17	-Submitted 3-12 supplemental response on 10/16
DR 4-9/25/2017	10/10/2017 *Agreed to begin counting day DR 3 was originally due (10/13)	10/13/2017-Received a partial response.	-Still waiting for 4-1 to 4-7, 4-9, 4-12, 4-15, 4-18, 4-20 to 4-23, 4-25 to 4-29, 4-35, 4-37, and 4-38
DR 5-10/13/2017	10/27/2017		-On 10/16/2017, SDIP requested the discovery process be delayed until after supplemental direct testimony is submitted which is set to be due 11/17/17.

II. Issue

The specific data requests at issue under this motion are remaining responses to Staff's Data Request 4.

Staff initially sent its Fourth Set of Data Requests on September 25, 2017. SDIP requested that Staff permit SDIP to begin counting the ten business days on the day after Data Request 3 was due, September 29th, 2017, resulting in an extension to October 13th. In an effort to work with SDIP, Staff agreed to the short extension. After this, SDIP requested an extension of Data Request 3, making the due date October 4, 2017. SDIP informed Staff on October 12, 2017 that they had understood the extension on Data Request 3 to also extend the due date of Data Request 4 to October 18. SDIP then contacted Staff and indicated that they would not be able to provide some of the responses until after October 18, 2017, but would try to submit some

responses as soon as possible. SDIP did return some responses from Data Request 4 on October 13, 2017. This information is integral to Staff's ability to process this docket. SDIP's recurring delays in providing this information has prevented Staff from moving forward with this docket.

However, As of October 17th, Staff is still waiting for additional responses, and some of the responses provided in the October 13th submission were incomplete and didn't answer the questions that Staff asked. After Staff indicated to SDIP that the answers were not sufficient, SDIP asked that we delay the discovery process by delaying the due date of Data Request 5 until SDIP's supplemental direct testimony is filed. Staff cannot agree to pause the discovery process until after November 17, 2017.

Staff has attempted to informally resolve this discovery dispute, as well as other disputes with SDIP via email, phone, and in person meetings. These disputes prolong the discovery process further delaying any necessary follow up discovery questions Staff may have. SDIP has continued to assure Staff that they will submit the information soon, but SDIP has still failed to provide the requested responses. Staff had hoped that the Commission approved schedule establishing a ten business day response time for data requests would encourage SDIP to return any outstanding data responses. However, this has not been the case.

Beyond the issue of the outstanding responses, SDIP has regularly asked for extensions, returned late responses, and has returned responses that are wholly inadequate and incomplete, causing Staff to send additional questions in order to obtain the information originally requested. Although SDIP has been in regular contact with Staff throughout this process, Staff believes that little progress is being made. If the delays and inadequate responses continue, finalizing this docket before the current contract ends will be difficult.

Staff understands that SDIP does not have the staffing levels of other utilities and Staff is willing to work with SDIP to an extent. However, SDIP had almost one year to prepare this filing between the settlement and the filing of the docket. At this point, Staff is still waiting for information and workpapers that should have been included in that initial filing.

III. Requested Relief

Staff is concerned that without Commission action, SDIP will continue to delay the Discovery Process and the timely resolution of this docket. As such, Staff respectfully requests

that the Commission issue an order compelling SDIP to provide responses to its outstanding discovery responses no later than close of business on Friday, October 27, 2017.

Dated this 17th day of October, 2017.

Amanda M. Reiss

Amanda M. Reiss
Staff Attorney
Public Utilities Commission
500 East Capitol Ave.
Pierre, SD 57501