Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 468, fourth floor, State Capitol, Pierre, South Dakota, on January 10, 2000, at 9:00 a.m., to consider the adoption and amendment of proposed rules numbered

20:10:01:09, 20:10:01:11.01, 20:10:17:03, 20:10:24:02 and 20:10:32:03

The effects of the proposed rules changes are as follows:

In section 20:10:01:09, the language which is removed required that the Public Utilities Commission first find probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of a utility when a complaint is made against that utility and before the matter proceeds to a hearing. With the removal of that language, once a complaint is filed, the Public Utilities Commission would then forward it to the utility which has twenty days to answer it and then, if it remains unresolved, it would proceed to hearing.

In section 20:10:01:11.01, consistent with the proposed change in section 20:10:01:09, the defense of there being no probable cause of an unlawful or unreasonable act, rate, practice, or omission on the part of a utility is removed from defenses a utility may assert either in its answer or by a motion to dismiss. In other words, with the removal of the necessity that the Public Utilities Commission find that there is probable cause for a complaint to move forward, this modification removes it as a defense which may be asserted later in the complaint proceedings.

In section 20:10:17:03, all of subsection (11) is removed which is a statement on the bill from a gas or electric utility to a customer that the customer is responsible for payment of all charges for service rendered. Further, the last paragraph of this section is modified to remove approval by the Public Utilities Commission of advertising which may be included with a customer's bill.

In section 20:10:24:02(8) this modification specifies that the current financial statements of the applicant must be furnished to the Public Utilities Commission in applications for certificates of authority for interexchange service.

In section 20:10:32:03(8), an applicant for a certificate of authority for local exchange service would be able to furnish either a map or a narrative description of the geographic area it intends to serve as opposed to present language which requires a map and a narrative description.

In section 20:10:32:03(11)(a), similar to the change in section 20:10:24:02(8), an applicant for a certificate of authority for local exchange service must furnish its financial statements to the Public Utilities Commission.
The reasons for the proposed rules are to streamline regulatory procedures and simplify billings by gas and electric utilities.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by January 21, 2000, to be

considered.

After the hearing, the Commission will consider all written and oral comments it receives on the proposed rules. The Commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773- 3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address:
http://www.state.sd.us/puc/dockets99/rm99-002.htm