

FORM 14

SMALL BUSINESS IMPACT STATEMENT FORM

See SDCL 1-26-2.1

(NOTE: This form must be signed by either the head of the agency or the presiding officer of the board or commission empowered to adopt the rules. Check your statutes to see who is authorized to promulgate rules. A small business is defined as any business with 25 or fewer full-time employees. When a set of rules is proposed, a general summary shall be provided; each proposed rule amendment shall also be explained thoroughly. In the case of a large set of proposed rules which all have a single purpose and impact, one explanation is sufficient. The law makes it clear that agencies or commissions shall use readily available information and existing resources to prepare the impact statement.)

1. Our agency has determined that the rule/s we are proposing have the following type of impact on small businesses:  
 Direct impact (please complete remainder of form)  
 Indirect impact (please provide a brief explanation, then sign, date, and submit form. Questions 2 through 8 do not need to be answered)
  
2. A general narrative and overview of the effect of the rule(s) on small business - written in plain, easy to read language:

The proposed rule amendments mainly impact a business that files an application to construct wind energy facilities. The siting rules set forth the information that is required to be provided by the applicant. The proposed rules add wind energy facilities to the siting rules and list the specific requirements for a wind energy facility application. In addition, one of the proposed rules, 20:10:22:33.01, sets forth the requirements for the removal of wind energy facilities and possible bonding or other financial requirements to ensure removal. Another proposed rule amendment, 20:10:22:04 decreases the required number of paper copies of an application and requires the application to be filed electronically. Another proposed rule amendment, 20:10:22:05, requires applications to list all permits needed from any state or federal entity. Most of these rule changes are a result of legislative changes to the Commission's energy facility siting laws.

3. What is the basis for the enactment of the rules(s)?  
 Required to meet changes in federal law  
 Required to meet changes in state law  
 Required solely due to changes in date (i.e. must be changed annually)  
Other: \_\_\_\_\_

4. Why is the rule(s) needed?

The proposed rule amendments change the Commission's siting rules to be consistent with recent statutory changes regarding the siting of wind energy facilities. The statutory changes clarified the Commission's statutory authority to site wind energy facilities that are capable of generating 100 megawatts or more of electricity.

5. What small businesses or types of small businesses would be subject to the rule?

The small businesses that would be subject to the proposed rule amendments would be businesses that construct energy facilities that are subject to the Commission's siting authority. The rules have the most effect on companies that intend to apply to the Commission for a permit to construct large wind farms, i.e. 100 MW or greater. Since this is a very specialized area, the Commission expects that the number of small businesses that would be impacted by these rules to be very small.

6. Estimate the number of small businesses that would be subject to the rule.  
 1-99    100-499    500-999    1,000-4,999    More than 5,000  
 Unknown - please explain \_\_\_\_\_

7. Are small businesses required to file or maintain any reports or records under this rule?  
 Yes    No

The rules only pertain to the filing of an initial application, not to the keeping of additional reports or records.

- a. If "yes," how many reports must a small business submit to the state on an annual basis?  
b. If "yes," how much ongoing recordkeeping within the business is necessary?  
c. If "yes," what type of professional skills would be necessary to prepare the reports or records?

- The average owner of a small business should be able to complete the reports and/or records with no assistance  
 It is likely that a bookkeeper for a small business should be able to complete the reports and/or records  
 It is likely that a small business person would need the assistance of a CPA to complete the reports and/or records  
 It is likely that a small business person would need the assistance of an attorney to complete the reports and/or records  
 Other \_\_\_\_\_  
 Unknown - please explain \_\_\_\_\_

8. Are there any less intrusive or less costly methods to achieve the purpose of the rule (i.e. fewer reports, less recordkeeping, lower penalties)?  
 No - please explain

The requirements in the proposed rules are necessary for the Commission to evaluate an energy facility application and either grant or deny the application based on the standards as set forth in the siting statutes. The Commission needs the information in order to determine whether the proposed energy facility will substantially impair the health, safety, or welfare of the area's inhabitants.

- Yes - please explain \_\_\_\_\_

9/28/05  
Dated Authorized

  
Signature

PUBLIC UTILITIES COMMISSION  
Name of Agency