



South Dakota

Legislative Research Council

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OCT 27 2011
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

October 26, 2011

Ms. Rolayne Ailts Wiest
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

Dear Ms. Ailts Wiest:

The Public Utilities Commission has proposed amendments to ARSD chapters 20:10:17, 20:10:22, 20:10:36, and 20:10:38 regarding utility services and renewable energy. We have reviewed the proposed rules, scheduled for hearing on November 9, 2011, and approve the rules for legality.

This letter is based on a preliminary review of your rules. Attached are your rules edited for form and style pursuant to SDCL 1-26-6.5 and directions for submitting the final draft of the rules. If you have any questions, please don't hesitate to call me or the staff member who has reviewed your rules.

Sincerely,

Doug Decker
Code Counsel

DD:FB:KS

Enclosures

DIRECTIONS FOR SUBMITTING THE FINAL DRAFT

RULES REVIEW MEETING SCHEDULE: The Interim Rules Review Committee has set the following tentative meeting schedule for the 2011 interim: December 20.

- A. FINAL DRAFT TO LEGISLATIVE RESEARCH COUNCIL:** When the final draft of the adopted rules is brought to this office for signature for legality and for form and style, please include the following items:
1. The edited copy of the first draft;
 2. One legible copy of the final draft, to be left here. The final draft should be a single-sided copy, double spaced, contain only rules being amended, repealed, or adopted, and show changes from current printed rules by means of overstrikes and underscores;
 3. The original Form #11 which contains the signature of the officer empowered to adopt the rules or the signatures of a majority of the members of a board or commission which has the rule-making authority; and
 4. Copies of the following:
 - a. The minutes of all public hearings, (a summary of the minutes if needed); and
 - b. The affidavit of mailing to Rules Committee members – Form #12.
- B. SERVICE ON COMMITTEE:** The following information is to be served on the interim Rules Review Committee at least five days before the committee meeting date:
1. The final draft of the adopted rules (three-holed punched and numbered by page);
 2. The minutes of the public hearing;
 - a. Include a summary of the hearing if a verbatim transcript is used;
 - b. Include a summary of any subsequent hearing if the public hearing is continued or final action is taken at a later date;
 3. A summary of the written comments or copies of the written comments;
 4. The Impact Statement on Small Business;
 5. The Fiscal Note; and
 6. Agency financial resource information if the agency proposes a rule to increase a fee.
- First class mail, e-mail, or both should be used (See Form #12).
- C. FILING WITH THE SECRETARY OF STATE'S OFFICE** (After appearing before the Interim Rules Review Committee)
1. Each agency must complete and sign all documents before filing the certificate of compliance with Chapter 1-26 and the final draft of the rules with the Secretary of State's Office. Although it is not required by statute, the Secretary of State's Office would like to have a copy of the approval signature sheet with the filing of the final draft and the certificate.