

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

**IN THE MATTER OF THE ADOPTION OF)
RULES REGARDING RATE FILING,)
ENERGY FACILITY PLANS, SITING RULES,) DOCKET NO. RM19-001
LOCAL EXCHANGE COMPETITION,)
TELECOM SERVICES, PIPELINE SAFETY,)
AND STRAY VOLTAGE)**

COMES NOW, MidAmerican Energy Company (“MidAmerican”), pursuant to the South Dakota Public Utilities Commission (“Commission”) draft rules and Amendments issued in Docket No. RM19-001, and submits its initial comments concerning the draft rules pertaining to: rate filing, energy facility plans, siting rules, local exchange competition, telecom services, pipeline safety, and stray voltage. In support of its comments, MidAmerican states the following:

I. INTRODUCTION

MidAmerican is a rate-regulated public utility providing electric and natural gas public utility service. MidAmerican provides electric public utility service at retail to approximately 752,000 electric customers and 733,000 natural gas customers in a 10,600-square mile area in Iowa, Illinois, South Dakota and Nebraska. As a rate-regulated electric and gas public utility, MidAmerican’s retail rates are subject to the authority of the Commission and will therefore be affected by any rules adopted pertaining to rate filing, energy facility plans, siting rules, pipeline safety, and stray voltage, by the Commission in this rulemaking proceeding.

MidAmerican appreciates the opportunity to comment on the Commission’s proposed changes and generally supports the changes as proposed with the limited comments noted below..

II. COMMENTS

a. **20:10:13:17 – Thirty days notice to public.**

Proposed rule 20:10:13:17 states “notice to small qualifying facilities (as defined under 18 C.F.R. Section 292, with a design capacity of 100 KW or less) of a change of rates and charges shall be given by the utility through individual notice as prescribed in § 20:10:13:19.”

MidAmerican requests the Commission clarify that notice to the qualifying facility as prescribed in 20:10:13:19, is only required if the Commission mandates it.

b. **20:10:21:04 – Existing energy conversion facilities.**

Proposed rule 20:10:21:04 strikes “which are facilities where electricity is being generated,” and replaces with “that are owned or operated by the utility to serve South Dakota load.”

MidAmerican has concerns that the new language creates confusion regarding regulatory authority over assets not located within the state of South Dakota. MidAmerican’s generation not located in South Dakota is already under the jurisdiction of, and regulated by, the regulatory authority of the state the existing energy conversion facilities are located. MidAmerican proposes changing the language to “that are owned or operated by the utility located in the state to serve South Dakota load.”

c. **20:10:22:01 – Definitions**

Proposed Rule 20:10:22:01(1) defines an affected area as “that area which may be affected environmentally, socially, or economically by the location of a facility at a proposed site.”

MidAmerican proposes the Commission provide additional clarity through a more objectively measurable definition. While the S.D. Codified Laws § 49-41B-22 provides some certainty to potential project developers with respect to social and economic considerations in

cases where a conditional use permit has been obtained, considerable room for interpretation remains with respect to whether or not any particular location's environment is affected.

Proposed Rule 20:10:22:01(4) defines a plant site as “the site of and that area immediately adjacent to a proposed energy conversion facility and to those associated facilities to be constructed in conjunction with the proposed energy conversion facility.”

MidAmerican proposes more clearly defining the “area immediately adjacent to” for additional clarity.

d. 20:10:22:33.02 – Information concerning wind energy facilities and solar energy facilities.

Proposed Rule 20:10:22:33.02(3) states “any warning lighting requirements for the wind turbines or solar panels.”

MidAmerican is not aware of any lighting requirements for solar panels. MidAmerican proposes removing solar from this subsection for additional clarity.

Proposed rule 20:10:22:33.02(4) states “setback distances from off-site buildings, right-of-ways of public roads, and property lines.”

MidAmerican proposes a further defined term by adding “the nearest of each of” between “from” and “off-site” or only requiring the information when the setback is within a specified distance to provide additional clarity.

Proposed rule 20:10:22:33.02(5) states “anticipated noise levels during construction and operation.”

MidAmerican proposes the addition of a location where the anticipated noise levels should be measured. MidAmerican proposes the exterior of the nearest occupied residence.

Proposed rule 20:10:22:33.02(7) states “the proposed wind energy site or solar energy site and major alternatives as depicted on overhead photographs and land use culture maps.”

MidAmerican proposes striking “major alternatives” and replacing with “alternative site locations” to eliminate ambiguity.

Proposed rule 20:10:22:33.02(5) states “if any electric interconnection facilities are placed underground, the depth of burial, distance between access points, conductor configuration and size, and number of circuits.”

MidAmerican proposes revising this subsection from “electric interconnection facilities” to “underground collection facilities” to coincide with industry standard and for additional accuracy.

WHEREFORE, for the foregoing reasons MidAmerican Energy Company respectfully requests that the Commission give these comments due consideration as it develops rules in this proceeding.

DATED this 28th of June, 2019.

Respectfully submitted,

MIDAMERICAN ENERGY COMPANY

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