

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

IN THE MATTER OF THE NOTIFICATION)
 PURSUANT TO ARSD 20:10:26:04(6) BY WHY)
 NOT INVESTMENTS, LLC REGARDING ITS)
 CENTRAL WATER HEATING SYSTEM IN A UNIT)
 EFFICIENCY APARTMENT BUILDING, RAPID)
 CITY, SOUTH DAKOTA)

**ORDER APPROVING
NOTICE OF EXCEPTION**

EL12-002

On January 23, 2012, the Commission received a filing by Why Not Investments, LLC, requesting approval of its notice of an existing exception to the Master Metering Variance Rules under ARSD 20:10:26. Why Not Investments has purchased a 23 unit efficiency apartment building in downtown Rapid City and states that because it contained a central water heating system, the building meets the exception criteria under ARSD 20:10:26:04(6) exempting it from individual metering requirements.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A-4, 49-34A-27 and ARSD 20:10:26.

At its regularly scheduled meeting on January 31, 2012, the Commission considered this matter. Commission Staff recommended approving the notice of exception to the individual metering requirements for the utility systems of the building. The Commission unanimously voted to approve the notice of exception for Why Not Investments, LLC from individual metering requirements. It is therefore,

ORDERED, that the notice of exception under ARSD 20:10:26:04(6) is approved for Why Not Investments, LLC regarding individual metering requirements for the apartment building located at 603 Quincy Street, Rapid City, SD.

Dated at Pierre, South Dakota, this 8th day of February, 2012.

<p>CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.</p> <p>By: <u>Joy Caring</u></p> <p>Date: <u>2-8-12</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

Chris Nelson
 CHRIS NELSON, Chairman

Kristie Fiegen
 KRISTIE FIEGEN, Commissioner

Gary Hanson
 GARY HANSON, Commissioner