

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

**IN THE MATTER OF THE CONSIDERATION)
OF THE ENERGY INDEPENDENCE AND)
SECURITY ACT OF 2007)**

**ORDER GRANTING
INTERVENTION
NG09-006**

On September 25, 2009, the Public Utilities Commission (Commission) opened a docket regarding the consideration of the Energy Independence and Security Act of 2007. The Energy Independence and Security Act of 2007 amends Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (15 U.S.C. 3203(b)). Specifically, the amendment adds energy efficiency and rate design natural gas standards for state consideration. The Commission must consider these standards and make a specific determination on whether their implementation is appropriate in South Dakota.

At its regularly scheduled meeting of October 6, 2009, the Commission considered this matter. Staff recommended that the Commission collect written comments by the end of October, that comments and rebuttal be heard to fulfill hearing obligations at a meeting in November, and that the Commission make its decision prior to the December deadline. The Commission voted unanimously to adopt Staff's recommendations.

On October 13, 2009, the Commission received a Petition to Intervene from NorthWestern Corporation d/b/a NorthWestern Energy (NWE). On October 16, 2009, the Commission received a Petition to Intervene from MidAmerican Energy Company (MidAmerican). On October 30, 2009, the Commission received Comments of MidAmerican, Comments of NWE, Petition to Intervene from Montana-Dakota Utilities Co. (MDU) and Comments of MDU.

The Commission has jurisdiction over this matter pursuant to SDCL chapter 49-34A, specifically 49-34A-93, the EISA and ARSD 20:10:01:15.05.

At its regularly scheduled meeting of November 10, 2009, the Commission considered the Petitions to Intervene. The Commission found that the Petitions to Intervene demonstrated good cause to grant intervention. It is therefore

ORDERED, that the Petitions to Intervene of NWE, MidAmerican and MDU are hereby granted.

Dated at Pierre, South Dakota, this 19th day of November, 2009.

CERTIFICATE OF SERVICE
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.
By: <u><i>Demarcus Altheim</i></u>
Date: <u>11/19/09</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman *DA*

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner