

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

**IN THE MATTER OF THE FILING BY)
MONTANA-DAKOTA UTILITIES CO. FOR)
APPROVAL OF A CONTRACT WITH)
DEVIATIONS WITH COUNTERTOPS, INC.)
)
)**

**ORDER APPROVING
CONTRACT WITH
DEVIATIONS AND
APPROVING TARIFF
REVISIONS
NG09-009**

On October 30, 2009, the Public Utilities Commission (Commission) received a filing by Montana-Dakota Utilities Co. (MDU) requesting approval of a contract with deviations with Countertops, Inc. and associated tariff revisions. Countertops is conducting business in the former Merillat facility, which was also served under a contract with deviation. The filing states that Countertops will continue to operate the facility as a large volume, high load factor customer, and it is in the best interest of the other customers for Montana-Dakota to offer this discounted agreement which will satisfy Countertops' request for firm sales gas service at a competitive price that allows Montana-Dakota to continue to provide natural gas service to this facility. The existing firm customers will continue to benefit through Countertop's contribution toward pipeline demand costs and distribution cost recovery, which would not exist if Countertops were to utilize an alternate fuel. The proposed effective date of the contract and tariffs is December 1, 2009. MDU filed the following tariff sheet for Commission approval:

Section No. 4, 8th Revised Sheet No.1, Canceling 7th Revised Sheet No.1

On November 24, 2009, at a regularly scheduled meeting, the Commission considered the request for approval of the Contract with Deviations and the associated tariff revisions. Commission Staff recommended approval.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically, 49-34A-6, 49-34A-8, 49-34A-8.3, 49-34A-10, and 49-34A-11. Further, the Commission finds that MDU's request for approval of a Contract with Deviations is just and reasonable and shall be granted. As the Commission's final decision in this matter, it is therefore

ORDERED, that the request seeking approval of a Contract with Deviations is in the public interest and is hereby granted and it is further

ORDERED, that the above-mentioned tariff sheet are approved effective December 1, 2009.

Dated at Pierre, South Dakota, this 3rd day of December, 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>Demaris Axthelm</u>
Date: <u>12-3-09</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner