

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

IN THE MATTER OF COMMISSION) STAFF'S PETITION FOR DECLARATORY) RULING REGARDING FARM TAP) CUSTOMERS)	ORDER GRANTING INTERVENTION NG16-014
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On November 9, 2016, Commission Staff filed a petition for a declaratory ruling to resolve the following issues: 1) Does the Commission have jurisdiction over the utility providing natural gas to farm tap customers taking natural gas from the transmission line owned and operated by Northern Natural Gas Company (Northern)? 2) If so, which entity, NorthWestern Corporation dba NorthWestern Energy (NorthWestern) or Northern, if either, is a public utility as defined by SDCL Chapter 49 with respect to these farm tap customers? 3) Finally, are the farm taps in whole or in part subject to state jurisdiction for the purpose of pipeline safety pursuant to SDCL Chapter 49-34B?

On November 10, 2016 the Commission electronically transmitted notice of the filing and the intervention deadline of November 21, 2016, to interested individuals and entities on the Commission's PUC Weekly Filings listserv. On November 18, 2016, Montana-Dakota Utilities Company (MDU) filed an Application for Party Status. On November 21, 2016, Northern and NorthWestern also filed Petitions to Intervene.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A, and ARSD 20:10:01:15.05.

At its regularly scheduled meeting on November 22, 2016, the Commission considered the petitions to intervene. Staff stated that it did not object to granting the Petitions to Intervene. Finding that the Petitions to Intervene demonstrated good cause to grant intervention, the Commission voted unanimously to grant intervention to MDU, Northern, and NorthWestern. It is therefore

ORDERED, that the Petitions to Intervene of MDU, Northern, and NorthWestern are hereby granted.

Dated at Pierre, South Dakota, this 23rd day of November, 2016.

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 or by mail.
By: <u>Adam DeHueck</u>
Date: <u>11/23/16</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner