

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

IN THE MATTER OF COMMISSION)	ORDER GRANTING MOTION
STAFF'S PETITION FOR DECLARATORY)	FOR JUDICIAL NOTICE
RULING REGARDING FARM TAP)	
CUSTOMERS)	NG16-014

On November 9, 2016, the South Dakota Public Utilities Commission Staff filed a petition with the South Dakota Public Utilities Commission for a declaratory ruling to resolve the following issues: 1) Does the Commission have jurisdiction over any 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) 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 23, 2016, the Commission issued an Order Granting Intervention, granting intervention to Northern, Northwestern, and Montana-Dakota Utilities. The Commission issued an Order for and Notice of Hearing on November 30, 2016. The hearing was held as scheduled on December 14, 2016.

On December 30, 2016, Commission Staff filed a Motion for Judicial Notice (Motion) requesting the Commission take notice of the following facts:

1. NorthWestern Energy (NorthWestern) serves five farm tap customers that are not part of the group of 197 farm tap end users that were the primary subject of the Petition for Declaratory Ruling.
2. NorthWestern does not serve those five customers pursuant to a contract for service.
3. The five customers are charged a general service rate pursuant to NorthWestern's tariff, on file with the Commission.
4. NorthWestern owns, maintains, and operates the facilities serving these five customers.
5. These customers were served by NorthWestern pursuant to the provisions of NorthWestern's tariff prior to 2011, when NorthWestern began providing services to the 197 customers.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 19-19-201, and 49-34A, and ARSD 20:10:01:34, and 20:10:01:35. The Commission may rely upon any or all of these or other laws of this state in making its determination.

At its regularly scheduled meeting on January 17, 2017, the Commission considered the Motion. Finding that the facts as set forth in the Motion are generally known and readily determined, the Commission voted unanimously to grant the Motion.

It is therefore

ORDERED, that the Motion for Judicial Notice is granted.

Dated at Pierre, South Dakota, this 19th day of January, 2017.

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 Detbeck</u>
Date:	<u>1/19/17</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner