

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

IN THE MATTER OF THE) CONSIDERATION OF RULES) REGARDING STRAY ELECTRICAL) CURRENT AND VOLTAGE) REMEDICATION)))))	ORDER OPENING FORMAL RULEMAKING DOCKET AND AMENDING PROPOSED RULES RM15-001
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On November 4, 2015, the staff (Staff) of the South Dakota Public Utilities Commission (Commission) filed a letter requesting the Commission open a rulemaking docket to consider the adoption of stray voltage rules. Pursuant to SDCL 49-47-2, the Commission has one year from July 1, 2015, to promulgate stray voltage rules. Staff included draft stray voltage rules and requested that the Commission allow comments to be received from interested persons or entities on the draft rules. Following the comment period, the Commission would then consider the comments and decide whether to make any changes to the draft rules. The next step would be to proceed to the formal rulemaking process.

On November 5, 2015, the Commission electronically transmitted notice of the filing to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv.

At its November 12, 2015, meeting, the Commission voted to open a rulemaking docket for the purpose of receiving comments on the draft rules. The Commission set December 11, 2015, as the date for initial comments, and December 24, 2015, as the date for responsive comments. Comments were received from Xcel Energy, MidAmerican Energy Company, Douglas Jensen, NorthWestern Energy, South Dakota Rural Electric Association, Montana-Dakota Utilities Co., South Dakota Dairy Producers, and Otter Tail Power Company.

At its January 19, 2016, meeting, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL chapters 1-26 and 49-47. After taking into consideration the written comments and comments received at the meeting, the Commission unanimously voted to open a formal rulemaking docket and to make some changes to the proposed rules. The Commission made the following changes: (1) clarified the qualifications of an electrician in 20:10:39:07(2); (2) added a sentence to 20:10:39:07 to require the establishment of a list of Commission-approved stray voltage training programs; (3) deleted the word "moist" in 20:10:39:22; (4) added the words "when practicable" to the fourth sentence of 20:10:39:22; and (5) clarified that the qualified testing professional would provide the drawing required by 20:10:39:25.

It is therefore

ORDERED, that the above-referenced changes shall be made to the proposed rules; and it is further

ORDERED, that a new, formal rulemaking docket shall be opened and docketed as RM16-001 for the purpose of proceeding to adopt rules regarding stray electrical current and voltage remediation.

Dated at Pierre, South Dakota, this 28th day January, 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>Rolayne Wiest</u>
Date: <u>1-28-16</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner