

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

IN THE MATTER OF COMMISSION)	ORDER FOR AND
STAFF'S PETITION FOR DECLARATORY)	NOTICE OF HEARING
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 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. On November 23, 2016, the Commission issued an Order Granting Intervention, granting intervention to MDU, Northern, and NorthWestern.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A, and ARSD 20:10:01:34 and 20:10:01:15.05. The Commission may rely upon any or all of these or other laws of this state in making its determination.

A hearing shall commence at 10:00 a.m. CST, on Wednesday, December 14, 2016, in the Matthew Training Center, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota.

At the hearing, each party will be permitted to present an oral argument.

The issues at the hearing are: 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? 2) If so, which entity, NorthWestern Corporation dba NorthWestern Energy or Northern Natural Gas Company, 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?

All parties have the right to be present and to be represented by an attorney. These rights and other due process rights may be forfeited if not exercised at the hearing. After the hearing, the Commission will consider the matter. The Commission will then issue a declaratory ruling. As a result of this hearing, the Commission will make decisions on the issues set forth above. The Commission's declaratory ruling may be appealed by the parties to the Circuit Court and the Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall commence at 10:00 a.m. CST, on Wednesday, December 14, 2016, in the Matthew Training Center, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 30 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>Karen E. Cremer</u>
Date: <u>11/30/2016</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner