

**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 SETTING FINAL
MOTION HEARING AND
DECISION DATE**

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?

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 commenced 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. The hearing was conducted by Commission General Counsel Adam de Hueck, who acted as Hearing Examiner. Commissioners Chris Nelson, Gary Hanson, and Kristie Fiegen attended the hearing in person.

On December 23, 2016, Northern filed a Motion to Reopen the Record, Take Judicial Notice and Correct the Record.

It is therefore

ORDERED, that the Commission shall make its decision on final motions and shall make its decision on this docket beginning at 1:30 p.m. CST, on Tuesday, January 17, 2017, in the Matthew Training Center, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota.

Dated at Pierre, South Dakota, this 30th day of December, 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 de Hueck</u>
Date: <u>12/30/16</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner