

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

IN THE MATTER OF THE REQUEST FOR A DECLARATORY RULING REGARDING THE ELECTRIC SERVICE TERRITORY BOUNDARY BETWEEN CLAY-UNION ELECTRIC, INC. AND THE CITY OF VERMILLION	) ) ) ) ) ) )	DECLARATORY RULING; NOTICE OF ENTRY  EL21-022
---	---------------------------------	--

On July 13, 2021, the South Dakota Public Utilities Commission (Commission) received a Petition for a Declaratory Ruling (Petition) from Clay-Union Electric (Petitioner) requesting the Commission issue a declaratory ruling indicating that 15 streetlights within the service territory of Clay-Union along the Highway 50 by-pass to the City of Vermillion, South Dakota, are not public service facilities pursuant to SDCL 49-34A-57. On July 29, 2021, the City of Vermillion filed public comments. On July 30, 2021, the South Dakota Rural Electric Association filed public comments. On August 6, 2021, the South Dakota Municipal Electric Association filed public comments. On August 17, 2021, the Commission staff filed public comments.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 1-26, SDCL 49-1-11(5), 49-34A-57, and ARSD 20:10:01:34 and 20:10:01:35.

At its regularly scheduled meeting on August 19, 2021, the Commission considered the Petition. Having discussed the Petition, analyzed the rules of statutory construction, and reviewed the filed documents, the Commission voted unanimously to declare that the streetlights, as described in the Petition, are a public service facility.

The Commission finds that words and phrases in a statute must be given their plain meaning and effect. The language in SDCL 49-34A-57 is clearly expressed. It is clear, certain, and unambiguous. The Commission's only function is to declare the meaning of the statute as clearly expressed. SDCL 49-34A-57 is entirely plain, ordinary, and able to be read with popular meaning. Statutory construction is not needed. The streetlights described in the Petition are public service facilities. It is therefore

DECLARED, that the streetlights described in the Petition are public service facilities.

Dated at Pierre, South Dakota, this 26<sup>th</sup> day of August 2021.

<p><b>CERTIFICATE OF SERVICE</b></p> <p>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.</p> <p>By: <u>Karen E. Bremer</u></p> <p>Date: <u>08/26/21</u> (OFFICIAL SEAL)</p>
--

BY DECLARATION OF THE COMMISSION:

Chris Nelson  
CHRIS NELSON, Chairman

Kristie Fiegen  
KRISTIE FIEGEN, Commissioner

Gary Hanson  
GARY HANSON, Commissioner

**NOTICE OF ENTRY**

26<sup>th</sup> PLEASE TAKE NOTICE that this Declaratory Ruling was duly declared and entered on the 26<sup>th</sup> day of August 2021.