

NG 97-020

3/11/07

NG 97-020

DOCKET NO.

In the Matter of

IN THE MATTER OF THE
APPLICATION OF MONTANA-DAKOTA
UTILITIES CO., A DIVISION OF MDU
RESOURCES GROUP, INC. FOR
APPROVAL OF A PLAN TO DEVIATE
FROM PURCHASED GAS COST
ADJUSTMENT RATE 88

Public Utilities Commission of the State of South Dakota

DATE

REMARKS

11/1/97 Filed and filed,
12/24/97 Order approving hearing, but no report of Commission to be filed,
12/24/97 requires purchase gas cost adjustment tariff sheet,
7/10/98 reduced report,
4/22/99 Order closing docket,
2/24/99 docket closed

NG 97-020

RECEIVED

DEC 01 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION **MONTANA-DAKOTA
UTILITIES CO.**

A Division of MDU Resources Group, Inc.

400 North Fourth Street
Bismarck, ND 58501
(701) 222-7900

November 28, 1997

Mr. William Bullard, Jr.
Executive Director
South Dakota Public Utilities
Commission
State Capitol Building
500 East Capitol
Pierre, SD 57501

Re: Docket No. NG97-____
Refund Plan

Dear Mr. Bullard:

Montana-Dakota Utilities Co. (Montana-Dakota), a Division of MDU Resources Group, Inc., respectfully requests Commission approval of a plan to deviate from Purchased Gas Cost Adjustment (PGA) Rate 88 in order to disburse a refund expected to be received from Williston Basin Interstate Pipeline Company (Williston Basin) prior to December 31, 1997. The refund relates to Williston Basin's Federal Energy Regulatory Commission (FERC) Docket No. RP92-163. The refund period is June 1, 1992 through December 31, 1995 including interest accrued through the day of the refund. The refund is not applicable to customers served from the East River natural gas system.

The actual amount of the refund due to Montana-Dakota is not known at this time. However, the refund is expected to be substantial enough to require special treatment outside the normal PGA process after applying the refund to the unrecovered gas cost account as required by Rate 88.

Given the magnitude of the expected refund amount, Montana-Dakota is once again proposing a cash refund plan similar to the refund plan approved by this Commission in Docket No. NG94-013 and the cash refund of the PGA deferred balance made by Montana-Dakota in June of 1996 and approved in Docket No. NG96-008. Montana-Dakota proposes to first apply the refund to the unrecovered gas cost account balance, pursuant to Rate 88, and issue a cash refund for the remaining amount to all customers who took gas sales service during the most recent twelve month period prior to making the refund.

The process and relative details for the disbursement are described below.

- Montana-Dakota will first apply the refund to the unrecovered gas cost account, which had an unrecovered balance of \$1.6 million as of October 31, 1997. This step will eliminate an ongoing positive surcharge adjustment of 36.8¢ per dk for residential and general service customers which was implemented May 1, 1997 and scheduled to be effective through April 30, 1998 (i.e. a reduction of 36.8¢ per dk). Any amount submitted to the Commission for reimbursement of the litigation expenses associated with Docket No. RP92-163 will be deducted from the refund. The remaining amount will be refunded to customers in accordance with the proposed plan.
- All current customers who purchased sales gas for the most recent 12 month period (for example between November 1, 1996 and October 31, 1997) will receive a refund check. The refund amount for each customer will be based on each customer's actual decatherms (dk) of gas used during that twelve-month period multiplied by the applicable refund per dk, which will be determined when the total refund amount is known.
- Checks will be processed and mailed from the Company's general office. An insert explaining the refund will be included with each check. Please see Attachment A, page 1 for a copy of the proposed check insert.
- The Company has changed some meter reading routes which affected meter read dates and customers' account numbers during the past year in order to effectively utilize new electronic meter reading equipment. Because the refund checks are issued based on customers' account numbers, customers that have been rerouted may receive two to three refund checks and those checks may or may not be sent on the same day. This also occurred during the last refund.
- Checks of less than \$2 will not be processed because of the cost involved. These amounts will be credited to the standard PGA account unless a customer requests a refund. In accordance with federal law, any refund due to customers who filed bankruptcy will be used to offset any amount due the Company as a result of bankruptcy.
- Customers whose accounts are more than 60 days in arrears will receive their refund through a one-time credit to their gas bills. Any amount of refund greater than the amount in arrears will be refunded to the customer with a check. For accounts that have been written off, the refund amount will be credited to the reserve for uncollectible accounts up to the amount written off. Please see

Attachment A, page 2 for the proposed language to be included on the customer bills reflecting this credit.

- No refund will be credited to a customer's account unless the customer is in 60 day arrears or more.
- Refund checks will be made out to the party shown on the Company's account record. The refund calculation will be shown on each customer's check voucher pertaining to that particular account.
- Checks returned to the Company will be handled in accordance with South Dakota statutes concerning unclaimed property. Any checks returned to the Company will be placed into a reserve account. If unclaimed after one year, the amount and necessary information will be forwarded to the South Dakota State Treasurers Office, Abandoned Property Division. If someone claims the check, they will make application to Montana-Dakota using a prescribed form. If no one claims the money after a reasonable attempt has been made to locate the rightful owner by the Abandoned Property Division, it will become the custody of the state.
- A report detailing the actual results of the refund will be filed with the Commission within 90 days after the refund is completed.

A waiver from the present Section 5 (a) (3) of the PGA tariff, which specifies that all refunds received shall be credited to the unrecovered purchased gas cost account, is required to permit the cash refund. Montana-Dakota herewith requests such waiver.

As in the above referenced cases, Montana-Dakota requests Commission approval to recover its out-of-pocket costs associated with the cash refund to customers. The out-of-pocket costs relate to postage, envelopes and checks. Approximate out-of-pocket costs, based on previous Commission authorized refunds is \$20,500. Montana-Dakota requests Commission approval to deduct the out-of-pocket costs from the refund due South Dakota customers. The actual out-of-pocket costs associated with the refund will be determined upon completion of the refund process and any difference between the estimate and the actual amount will be reflected in the PGA deferred account.

Montana-Dakota herewith seeks approval to proceed under the refund plan described above. Montana-Dakota anticipates receiving the refund in 1997 and must have approval of its refund plan by December 31, 1997 in order to avoid costly tax consequences. As such, expedited treatment of this application is requested. Upon

receipt of the refund, the allocation of the refund amount to South Dakota and the resulting refund amount per dk will be filed with the Commission.

Please refer all inquiries regarding this filing to:

Donald R. Ball
Regulatory Affairs Manager
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, ND 58501

Also, please send copies of all written inquiries, correspondence and pleadings to:

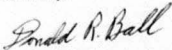
Mr. Douglas W. Schulz
Senior Attorney
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, ND 58501

The original and ten (10) copies of this Letter of Transmittal have been provided to the South Dakota Public Utilities Commission.

Montana-Dakota respectfully requests that this filing be accepted as being in full compliance with the filing requirements of this Commission.

Please acknowledge receipt by stamping or initialing the duplicate copy of this letter attached hereto and returning the same in the enclosed self-addressed, stamped envelope.

Sincerely,



Donald R. Ball
Regulatory Affairs Manager

cc: W. Fox
D. Schulz

**South Dakota Refund
Check Stuffer**

In 1992, Williston Basin Interstate Pipeline Company, Montana-Dakota Utilities Co.'s (Montana-Dakota) wholesale natural gas supplier and transporter, filed with the Federal Energy Regulatory Commission (FERC) for a wholesale natural gas rate increase. FERC rules allowed the requested higher rates to become effective subject to refund while the case was being decided. Montana-Dakota paid the higher rates and passed the increase through to its retail customers.

Various parties, including the South Dakota Public Utilities Commission (PUC) intervened at the FERC to protest certain issues within Williston Basin's request. As a result of a FERC Order, Williston Basin has given a refund, including interest, to its customers including Montana-Dakota. Montana-Dakota is in turn issuing refund checks (including interest) to its customers.

Public Utilities Commissioners Jim Burg, Pam Nelson and Laska Schoenfelder have approved MDU's proposed refund plan. The enclosed refund check is based on a refund amount per decatherm (dk) of natural gas registered by your gas meter from _____ through _____. The calculation is shown on the check

**South Dakota Refund
Accounts 60 Days or > Arrears**

Bill Message Special PGA Refund Applied\$ _____
See Bill Insert For More Information

Bill Insert:

Your bill for this month reflects a credit resulting from a refund received from Montana-Dakota Utilities Co.'s (Montana-Dakota) gas supplier and transporter. In 1992, Williston Basin Interstate Pipeline Company, Montana-Dakota's wholesale natural gas supplier and transporter, filed with the Federal Energy Regulatory Commission (FERC) for a wholesale natural gas rate increase. FERC rules allowed the requested higher rates to become effective subject to refund while the case was being decided. Montana-Dakota paid the higher rates and passed the increase through to its retail customers.

Various parties, including the South Dakota Public Utilities Commission (PUC) intervened at the FERC to protest certain issues within Williston Basin's request. As a result of a FERC Order, Williston Basin has given a refund, including interest, to its customers including Montana-Dakota. Montana-Dakota is in turn issuing refunds (including interest) to its customers.

Public Utilities Commissioners Jim Burg, Pam Nelson and Laska Schoenfelder have approved MDU's proposed refund plan. The credit applied to your bill is based on a refund amount per decatherm (dk) of natural gas registered by your gas meter from _____ through _____.

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

IN THE MATTER OF THE APPLICATION OF)	ORDER APPROVING
MONTANA-DAKOTA UTILITIES CO., A)	WAIVER; AUTHORIZING
DIVISION OF MDU RESOURCES GROUP, INC.)	REFUND; AND ASSESSING
FOR APPROVAL OF A PLAN TO DEVIATE)	REIMBURSEMENT OF
FROM PURCHASED GAS COST)	COMMISSION EXPENSES
ADJUSTMENT RATE 88)	NG97-020
)	

On December 1, 1997, Montana-Dakota Utilities Co. (MDU) filed an application with the South Dakota Public Utilities Commission (Commission) to deviate from the Purchased Gas Cost Adjustment (PGA) Rate 88 in order to disburse a refund expected to be received from Williston Basin Interstate Pipeline Company (Williston) prior to December 31, 1997. The refund results from proceedings involving Williston before the Federal Energy Regulatory Commission (FERC) in Docket number RP92-163 and related dockets. The refund resulted from rates in effect June 1, 1992 through December 31, 1995, including interest accrued through the day of the refund. The refund is not applicable to customers served from MDU's East River natural gas system.

MDU proposed distributing the refund to Black Hills system customers who took sales service during the most recent twelve month period prior to the refund. The total refund for South Dakota will total approximately five million five hundred thousand dollars. MDU estimates its out-of-pocket expenses for postage, envelopes and checks to make a cash refund will be twenty thousand five hundred dollars. MDU requests Commission approval to deduct the out-of-pocket costs from the refund due South Dakota customers.

A waiver from Section 5(a)(3) of the present PGA tariff, which specifies that all refunds received shall be credited to the unrecovered purchased gas cost account, is required to permit the cash refund. MDU has requested a waiver from the aforementioned section.

The Commission has been represented in Williston dockets by Alan Roth of the Washington, D.C. law firm of Spiegel & McDiarmid. Chesapeake Regulatory Consultants provided economic, accounting and other expert advice and Commission staff expended time and effort in this matter. Pursuant to SDCL 49-34A-72, the Commission can recover expenses incurred in litigating a rate, certificate or related proceeding before a federal agency, such as FERC. The Commission's total litigation expenses in this matter are \$136,104.72.

At its regularly scheduled December 18, 1997, meeting, the Commission considered this matter. The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-34A, specifically SDCL 49-34A-4(10), 49-34A-26 and 49-34A-72.

Further, the Commission finds that the requested waiver of Section 5(a)(3) of MDU's PGA tariff and the disbursement of the cash refund to South Dakota customers is just and reasonable and shall be approved. Further, the Commission finds that MDU's recovery of actual out-of-pocket expenses estimated to be twenty thousand five hundred dollars is

reasonable, subject to submission of verified refund reports to the Commission, one of which is to be filed with the Commission within 90 days after the refund is made and another at the time unclaimed refunds are forwarded to the Treasurer of the State of South Dakota in accordance with abandoned property laws of the state of South Dakota. Also, the Commission's expenses, totalling \$136,104.72, shall be assessed to MDU, to be applied against the South Dakota portion of the refund MDU received from Williston. It is therefore

ORDERED, that Section 5(a)(3) of MDU's PGA tariff is hereby waived and MDU shall make distribution of a cash refund to all South Dakota customers who took gas sales service during the most recent twelve month period prior to the refund, excluding MDU's East River territory, and it is

FURTHER ORDERED, that MDU is hereby authorized to deduct its actual out-of-pocket expenses, which are estimated to be twenty thousand five hundred dollars, from the refund due South Dakota customers, subject to submission of verified refund reports to the Commission, one of which is to be filed with the Commission within 90 days after the refund is made and another at the time unclaimed refunds are forwarded to the Treasurer of the State of South Dakota, and it is

FURTHER ORDERED, that MDU shall reimburse the Commission for its litigation expenses pertaining to Williston's FERC dockets in the amount of \$136,104.72, which shall be recovered from the South Dakota portion of the refund MDU received from Williston; and it is

FURTHER ORDERED, that MDU shall submit the letter of explanation which is to be mailed with the refund, to the Commission's Executive Director for approval prior to its dispatch.

Dated at Pierre, South Dakota, this 24th day of December, 1997.

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, by facsimile or by first class mail in properly addressed envelopes, with charges prepaid thereon.	
By	<u>Nellene Kardo</u>
Date	<u>12/24/97</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner



MONTANA-DAKOTA

UTILITIES CO.

A Division of MDU Resources Group, Inc.

400 North Fourth Street
Bismarck, ND 58501
(701) 222-7500

RECEIVED

DEC 24 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

December 23, 1997

Mr. William Bullard, Jr.
Executive Director
South Dakota Public Utilities
Commission
State Capitol Building
500 East Capitol
Pierre, SD 57501

Re: Refund Plan Docket No. NG97-020

Montana-Dakota Utilities Co. (Montana-Dakota), a Division of MDU Resources Group, Inc., respectfully submits an original and ten (10) copies of a Revised Purchased Gas Cost Adjustment (PGA) Tariff Sheet for January, 1998 for the Black Hills system. The purpose of this filing is to eliminate the existing surcharge adjustment effective with bills rendered on and after January 1, 1998 in accordance with the Commission approved Refund Plan for processing Williston Basin Interstate Pipeline Company's rate refund to be received by Montana-Dakota on or before December 31, 1997.

The effect of the elimination of the existing surcharge is a decrease of \$.368 per dk for residential and firm general service customers, a decrease of \$.431 per dk for large interruptible customers and a decrease of \$.469 per dk for the Air Force from the rates previously authorized to be effective January 1, 1998. Revised Exhibit A summarizes the gas cost adjustment for January 1998 reflecting the elimination of the existing surcharge adjustment.

Montana-Dakota respectfully requests that this filing be accepted as being in full compliance with the filing requirements of this Commission.

Please acknowledge receipt by stamping or initialing the duplicate copy of this letter attached hereto and returning the same in the enclosed self-addressed, stamped envelope.

Sincerely,

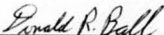
Donald R. Ball
Regulatory Affairs Manager

Attachments
cc: D. Schulz
W. Fox

STATE OF NORTH DAKOTA)
) : ss.
COUNTY OF BURLEIGH)

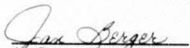
Donald R. Ball, being first duly sworn, deposes and says; that he is the Regulatory Affairs Manager of Montana-Dakota Utilities Co., the Applicant herein; that he has read the foregoing Application, knows the contents thereof, and that the same is true and correct to the best of his knowledge, information and belief.

Dated this 23rd day of December 1997.


Donald R. Ball

Subscribed and sworn to before me this 23rd day of December 1997.

JAN BERGER
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires SEPT. 25, 2003


Jan Berger, Notary Public
Burleigh County, North Dakota
My Commission Expires: 9/25/03

OF COUNSEL:

Douglas W. Schulz
Senior Attorney
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, ND 58501

MONTANA-DAKOTA UTILITIES CO.
PGA TARIFF SHEET
BLACK HILLS SYSTEM
EFFECTIVE JANUARY 1998

	General Service	Large Interruptible	Air Force
Gas Cost Adjustment:			
Prior Cumulative Gas Cost Adjustment	\$0.269	\$0.790	\$0.512
Current Gas Cost Adjustment (Exhibit B)	<u>(\$0.657)</u>	<u>(\$0.619)</u>	<u>(\$0.593)</u>
Cumulative Gas Cost Adjustment	(\$0.388)	\$0.171	(\$0.081)
Surcharge Adjustment:			
Current Adjustment	<u>\$0.000</u>	<u>\$0.000</u>	<u>\$0.000</u>
TOTAL PGA	<u>(\$0.388)</u>	<u>\$0.171</u>	<u>(\$0.081)</u>
TOTAL PGA - Current	<u>\$0.637</u>	<u>\$1.221</u>	<u>\$0.981</u>
Net Increase (Decrease)	<u>(\$1.025)</u>	<u>(\$1.050)</u>	<u>(\$1.062)</u>
Gas Cost Level in Base Rates	\$3.700	\$2.084	\$1.805
Plus: Total PGA	<u>(\$0.388)</u>	<u>\$0.171</u>	<u>(\$0.081)</u>
Total Gas Cost Level in Rates	<u>\$3.312</u>	<u>\$2.255</u>	<u>\$1.724</u>



MONTANA-DAKOTA

UTILITIES CO

A Division of MDU Resources Group, Inc.

400 North Fourth Street
Bismarck, ND 58507
(701) 222-7900

July 7, 1998

RECEIVED

JUL 10 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Mr. William Bullard, Jr.
South Dakota Public Utilities
Commission
State Capitol Building
500 East Capitol
Pierre, SD 57501

Re NG97-020

Dear Mr. Bullard:

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., herewith submits the refund report regarding the disbursement of the refund received from Williston Basin Interstate Pipeline pursuant to the Commission's Order dated December 24, 1997.

Please acknowledge receipt by stamping or initialing the duplicate copy of this letter attached hereto and returning the same in the enclosed self-addressed, stamped envelope.

Sincerely,

Donald R. Ball
Regulatory Affairs Manager

Attachment

cc: D Ball
R Mulkern
T Aberle

**Montana-Dakota Utilities Co.
Gas Utility - South Dakota
Refund Report
Docket No. NG97-020**

Total Amount to be Refunded	\$5,374,060
Less	
PGA Deferred Account balances eliminated	862,630
SD PUC litigation expenses per Order issued 12/24/97	136,105
Estimated incremental expenses associated with refund	<u>20,500</u>
Estimated Net Refund	<u><u>\$4,354,825</u></u>

Actual Refund

<u>Customers</u>	<u>Accounts</u>	<u>Refund Amount</u>
40,937	Current accounts	\$3,847,482
3,025	30 days delinquent accounts	217,687
392	60-90 days delinquent	46,532
316	Written-off accounts	45,421
	Company Consumption & CNG	6,583
2	Large Interruptible Accounts	15,605
1	Air Force	<u>173,226</u>
	Total Refund	<u><u>\$4,352,536</u></u>

Actual incremental expenses:

Checks & Envelopes	\$2,194
Bank service charges	2,572
Inserting, postage & handling	14,319
Printing costs- insert information	403
Overtime (includes loading)	<u>55</u>
Total actual incremental expenses	\$19,543
Less estimated incremental expenses	<u>20,500</u>
Additional incremental expenses associated with refund	<u><u>(\$957)</u></u>

Recap of the effects on the PGA account:

Refund amounts under \$2 00 1/	(\$1,186)
Rounding difference associated with refund	(1,103)
Actual Expenses Over/(Under) Estimate	<u>(957)</u>
Net balance to be recovered through PGA	<u><u>(\$3,246)</u></u>

1/ Refunds less than \$2 00 averaged \$57 per account.

0141-57-14

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

IN THE MATTER OF THE APPLICATION OF) ORDER CLOSING DOCKET
MONTANA-DAKOTA UTILITIES CO., A)
DIVISION OF MDU RESOURCES GROUP, INC.) NG97-020
FOR APPROVAL OF A PLAN TO DEVIATE)
FROM PURCHASED GAS COST)
ADJUSTMENT RATE 88)

On December 1, 1997, Montana-Dakota Utilities Co. (MDU) filed an application with the South Dakota Public Utilities Commission (Commission) to deviate from the Purchased Gas Cost Adjustment (PGA) Rate 88 in order to disburse a refund expected to be received from Williston Basin Interstate Pipeline Company (Williston) prior to December 31, 1997. The refund resulted from proceedings involving Williston before the Federal Energy Regulatory Commission (FERC) in Docket number RP92-163 and related dockets. The refund resulted from rates in effect June 1, 1992 through December 31, 1995, including interest accrued through the day of the refund. The refund is not applicable to customers served from MDU's East River natural gas system.

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A waiver from Section 5(a)(3) of the present PGA tariff, which specifies that all refunds received shall be credited to the unrecovered purchased gas cost account, was required to permit the cash refund. MDU requested a waiver from the aforementioned section.

The Commission was represented in Williston dockets by Alan Roth of the Washington, D.C. law firm of Spiegel & McDiarmid. Chesapeake Regulatory Consultants provided economic, accounting and other expert advice and Commission staff expended time and effort in this matter. Pursuant to SDCL 49-34A-72, the Commission can recover expenses incurred in litigating a rate, certificate or related proceeding before a federal agency, such as FERC. The Commission's total litigation expenses in this matter are \$136,104.72.

At its regularly scheduled December 18, 1997, meeting, the Commission considered this matter. The Commission found that it has jurisdiction over this matter pursuant to SDCL Chapter 49-34A, specifically SDCL 49-34A-4(10), 49-34A-26 and 49-34A-72.

Further, the Commission found that the requested waiver of Section 5(a)(3) of MDU's PGA tariff and the disbursement of the cash refund to South Dakota customers was just and reasonable and approved same. Further, the Commission found that MDU's recovery of actual out-of-pocket expenses estimated to be twenty thousand five hundred dollars is reasonable, subject to submission of verified refund reports to the Commission, one of which is to be filed with the Commission within 90 days after the refund is made and another at the time unclaimed refunds are forwarded to the Treasurer of the State of South Dakota in accordance with abandoned property laws of the state of South Dakota. The Commission's expenses, totalling \$136,104.72, were assessed to MDU, to be applied against the South Dakota portion of the refund MDU received from Williston.

At its regularly scheduled June 8, 1999, meeting, the Commission received a report from Commission staff on this docket and after considering same, voted to close the docket. It is therefore:

ORDERED that docket NG97-020 is hereby closed.

Dated at Pierre, South Dakota, this 22nd day of June, 1999.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of list in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By	<u>Alexis Kalkb</u>
Date	<u>6/23/99</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner