





NG 02-009

**BERKLAND ORGANIZATION**

Dennis K. Berkland  
General Manager  
1003 Burleigh Street  
Yankton, SD 57078

Telephone 605-665-2036  
Fax 605-668-9519

Ms Debra Elofson  
Executive Director  
S D Public Utilities Commission  
Capitol Building  
500 East Capitol Ave.  
Pierre, SD 57501

**RECEIVED**

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**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

November 16, 2002

Ms Elofson,

I am making a variance request as subject to the master metering rules that are set out in the South Dakota Public Utilities Commission rules Chapter 20:10:26.

I am the owner, since 1987, of a large older house that had been previously converted into a triplex; located at 110 West 6<sup>th</sup> Street, Yankton, SD. There are two smaller apartments on the main floor and a larger one on the second floor. Currently, each apt has it's own gas and electric meters meaning that each apt is totally self contained including the heating and air conditioning, hot water heater, cooking facilities and lighting. Also presently, with rent taken into consideration, the tenant of the 2<sup>nd</sup> floor apt pays for the gas (hot water heater and gas dryer) and electricity for the basement laundry room. The washer, dryer and folding table area are all provided as part of the rent package (no coin operated equipment).

Over the past several years but even more so since two winters ago when natural gas prices went up dramatically coupled with the hard winter which drove heating costs skyward at an alarming suddenness: have made potential new tenants much more wary about renting apartments where they are responsible for their own utilities versus having it included in the rent each month. I also own another apartment house setup exactly the same as the one at 110 West 10<sup>th</sup> St. except that I provide the heat and the hot water for all of the apts and include the cost in the rent. I have never had difficulty keeping these apartments rented whereas at 110W. 6<sup>th</sup> St it has been much more of a challenge unless I have offered to be responsible for the utilities and include those costs into their monthly rent.

Currently at 110W. 6<sup>th</sup> St., two of the three apartments already requested and have negotiated agreements with me to include gas and electricity into their monthly rent. The third apt. tenant has just recently requested that I setup the same for her.

In addition to the fact that the tenants desire that I handle the utilities, the hot water heaters and the individual apartment heaters have reach a time that they either need to be replaced, in the near future, due to being worn out or due to the fact that they are antiquated and quite inefficient in operation. I have been going over some of my options with Mr Ackerman of Ackerman Heating & AC from Viborg, SD. First, it only takes common sense to figure out that buying one- fifty(50) gallon hot water heater makes a lot more sense than buying three- thirty(30) gallon heaters. Mr Ackerman calculates that the 50 gallon heater should be more than needed to meet the needs of the three tenants including the use of the clothes washer. Not only would the initial cost be quite substantially less but also the gas costs to maintain one hot water heater versus the cost to keep three hot water heaters running would be very substantial. This move to utilizing one hot water heater versus three heaters would be a direct move towards energy conservation. Two of the three current hot water heaters are over 15 years old with the remaining heater being approximately 10 years old.

Secondly in reference to the individual apartment heaters, they also are quite antiquated with three of the four heaters being at least 25-30 years old. The heater in the 2<sup>nd</sup> floor apartment is newer and is less than 10 years old. In looking at my options Mr Ackerman has suggested to install an efficient small central furnace and AC unit to heat and cool at least the two ground floor apartments utilizing zone thermostats. He thought that by eliminating the three inefficient older heaters with standing pilot lights and going to a small centralized heating and cooling system would produce a substantial savings both in natural gas costs to heat and also some in electrical cooling costs. We currently are cooling the apts with window units. We are still looking at what possibilities there are to include the 2<sup>nd</sup> floor apt. with the central heat and AC. The barrier is the fact that there has never been forced air heat provided to this 2<sup>nd</sup> floor of this older house thus it lacks ductwork or wall space to run duct work.

In summary, I am requesting a variance so that I may go from three meters to one common gas meter at 110 West 6<sup>th</sup> Street, Yankton, SD. I believe that the above stated options/plans would not only be cost-effective but should improve energy conservation by moving from three hot water heaters to one and from three apartment heaters to one small new efficient furnace. By the mere fact of replacing older much less energy efficient with fewer newer more energy efficient units would clearly result in more energy efficiency and energy conservation.

My intent would be to make those changes/improvements if this request for the variance is approved.

Thankyou



Dennis K Berkland  
Owner/landlord

c.c. Dori Riley  
Mid American Energy Co.

South Dakota Public Utilities Commission

**WEEKLY FILINGS**

For the Period of November 14, 2002 through November 20, 2002

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this report. Phone: 605-773-3705 Fax: 605-773-3809

**ELECTRIC**

**EL02-024 In the Matter of the Filing by Otter Tail Power Company for Approval of Tariff Revisions.**

Otter Tail Power Company filed a petition for approval of proposed changes to its standard Municipal Contract form. The form currently used may create deviations from Otter Tail's Outdoor Lighting Tariff. The changes proposed in this filing would create a standard form, which will be consistent among the three states in which Otter Tail provides retail electric service.

Staff Analyst: Michele Farris  
Staff Attorney: Kelly Frazier  
Date Docketed: 11/15/02  
Intervention Deadline: 12/06/02

**NATURAL GAS**

**NG02-009 In the Matter of the Application of Berkland Organization, Yankton, South Dakota, for a Master Metering Variance Request for an Apartment Building Located at 110 West 6th Street, Yankton, South Dakota.**

Application by Berkland Organization, represented by Dennis K. Berkland, requesting a variance to Master Metering Rules pursuant to ARSD 20:10:26, for property located at 110 W. 6th St., Yankton, South Dakota. Mr. Berkland is renovating the heating system of the triplex in question and wishes it to be served by one natural gas meter instead of the existing three.

Staff Analyst: Michele Farris  
Staff Attorney: Kelly Frazier  
Date Docketed: 11/20/02  
Intervention Deadline: 12/06/02

**TELECOMMUNICATIONS**

**TC02-185 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and PrairieWave Telecommunications, Inc.**

On November 14, 2002, the Commission received a filing of LIS Inter Local Calling Area Facility Amendment to the Interconnection Agreement between Qwest Corporation f/k/a U S WEST (Qwest) and PrairieWave Telecommunications, Inc. f/k/a McLeodUSA Telecom Development, Inc. f/k/a Dakota Telecom, Inc. According to the parties, this is an Amendment to the Interconnection Agreement approved by the Commission in Docket TC97-126, effective October 21, 1998. The Interconnection Agreement in TC97-126 was originally between U S WEST Communications, Inc.,

Dakota Telecom, Inc. and Dakota Telecommunications Systems, Inc. U S WEST subsequently changed its name to Qwest. Dakota Telecom, Inc. subsequently changed its name to McLeodUSA Telecom Development, Inc. and again changed its name to PrairieWave. Dakota Telecommunications Systems, Inc. is not a party to the November 14, 2002, filing. According to the parties, the Amendment is made in order to add to the agreement the terms, conditions and rates for LIS Inter Local Calling Area (LCA) Facility as set forth in Attachment 1, attached to the Amendment. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than December 4, 2002. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier

Date Docketed: 11/14/02

Initial Comments Due: 12/04/02

- TC02-186 In the Matter of ACS Systems, Inc. Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC02-187 In the Matter of America's Tele-Network Corp. Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC02-188 In the Matter of Big Planet, Inc. Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC02-189 In the Matter of Capsule Communications, Inc. Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC02-190 In the Matter of CEO Telecommunications, Inc. Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC02-191 In the Matter of Cybertel Communications Corp. Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC02-192 In the Matter of EqualNet Corporation Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC02-193 In the Matter of Federal TransTel, Inc. Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC02-194 In the Matter of Global TeleLink Services, Inc. d/b/a South Dakota GTS Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC02-195 In the Matter of IPVoice Communications, Inc. Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC02-196 In the Matter of Maxtel USA, Inc. Failure to Submit a Report and Pay the Gross Receipts Tax.**

- TC02-197** In the Matter of NeTel, Inc. d.b.a Tel3 Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC02-198** In the Matter of NTERA, Inc. Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC02-199** In the Matter of Pac-West Telecomm Inc. Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC02-200** In the Matter of Premiere Network Services, Inc. Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC02-201** In the Matter of RapTel Communications, LLC Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC02-202** In the Matter of Sterling Time Company Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC02-203** In the Matter of StormTel, Inc. Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC02-204** In the Matter of TalkNow, Inc. Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC02-205** In the Matter of United Services Telephone, LLC Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC02-206** In the Matter of West End Communications Inc. Failure to Submit a Report and Pay the Gross Receipts Tax.

The above companies shall appear on 12/19/02, at 10:00 a.m. in the Cactus Conference Room, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A.

Finance Officer: Terri Iverson  
Staff Attorney: Karen Cremer  
Date Docketed: 11/15/02  
Hearing Date: 12/19/02

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

IN THE MATTER OF THE APPLICATION OF )	ORDER GRANTING
BERKLAND ORGANIZATION, YANKTON, )	MASTER METERING
SOUTH DAKOTA, FOR A MASTER METERING )	VARIANCE
VARIANCE REQUEST FOR AN APARTMENT )	
BUILDING LOCATED AT 110 WEST 6TH )	NG02-009
STREET, YANKTON, SOUTH DAKOTA )	

On November 20, 2002, Dennis K. Berkland, Berkland Organization, Yankton, South Dakota, filed with the Public Utilities Commission (Commission) a request for a master metering variance or a ruling that the metering is within an exception to Commission rules, for property located at 110 West 6th Street, Yankton, South Dakota. Mr. Berkland is renovating the hot water and heating system of a triplex to provide common heating and hot water service and wishes it to be served by one natural gas meter instead of the existing three.

At its regularly scheduled meeting on December 19, 2002, the Commission considered this matter. Commission Staff recommended a finding that no variance was necessary as the proposed changes fall within the exception of ARSD 20:10:26:04(6).

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A-4 and 49-34A-27 and ARSD 20:10:26. The Commission further finds that because the property will be a multi-occupancy building which has a central heating and water heating system, no variance from the master metering rules is required. As the Commission's final decision in this matter, it is therefore

ORDERED, that the proposed hot water and heating system changes at 110 West 6th Street, Yankton, South Dakota, fall within the exception of ARSD 20:10:26:04(6).

Dated at Pierre, South Dakota, this 3<sup>rd</sup> day of January, 2003.

<b>CERTIFICATE OF SERVICE</b>
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><i>Nelsine Kalba</i></u>
Date: <u>1/6/03</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*James A. Burg*  
JAMES A. BURG, Chairman

*Pam Nelson*  
PAM NELSON, Commissioner

*Robert K. Sahr*  
ROBERT K. SAHR, Commissioner