

**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**

**DOCKET NO. NG16-014**

---

---

**NORTHWESTERN ENERGY'S PETITION TO INTERVENE**

By this petition, NorthWestern Corporation d/b/a NorthWestern Energy ("*NorthWestern*") requests the South Dakota Public Utilities Commission ("*Commission*") to grant NorthWestern leave to intervene and party status in the above-captioned proceeding pursuant to SDCL § 1-26-17.1, ARSD § 20:10:01:15.02 and 20:10:01:15:03. In support of this petition, NorthWestern states:

1. NorthWestern is currently providing services to the farm tap customers that are the subject of this proceeding. NorthWestern's provides service pursuant to two contracts:

- (a) **Original Agreement:** On April 1, 1987, Peoples Natural Gas Company ("*People's*") and Northern Natural Gas Company ("*Northern*") entered into an Agreement ("*Agreement*"), pursuant to which People's agreed to provide service to the farm tap customers; and
- (b) **Partial Assignment of Original Agreement:** Effective June 1, 2011, Minnesota Energy Resource Corporation ("*MERC*"), successor in interest to People's under the Agreement, assigned its obligation to provide service to the farm tap customers to NorthWestern, pursuant to a Partial Assignment of Agreement ("*Assignment*"), entered into by and among MERC, as assignor, NorthWestern, as assignee, and Northern.

2. The Agreement and the Assignment allow NorthWestern to terminate the Agreement by providing six months' prior written notice to Northern. NorthWestern provided the required termination notice to Northern on November 15, 2016, and filed a copy of such notice in this proceeding. NorthWestern's termination notice is consistent with the Commission's

Final Decision and Order in NNG11-001, dated March 11, 2011, that approved NorthWestern's assumption of the obligation to maintain and operate approximately 200 farm taps until December 31, 2017.

3. NorthWestern's pecuniary interests may be directly and immediately affected by the Commission's decision on the Petition. NorthWestern desires to intervene in this matter to provide information regarding the Agreement, Assignment and the services it currently is providing to the farm tap customers.

4. Based on the foregoing, NorthWestern is an interested party in this matter entitled to intervening party status.

Accordingly, NorthWestern requests that the Commission grant this Petition to Intervene and grant NorthWestern party status in this proceeding.

Dated at Sioux Falls, South Dakota, November 21, 2016.

**NORTHWESTERN CORPORATION,  
d/b/a NORTHWESTERN ENERGY**



Timothy P. Olson  
3010 West 69<sup>th</sup> Street  
Sioux Falls, SD 57108  
Phone: (605) 978-2924  
tim.olson@northwestern.com

*Attorney for NorthWestern Corporation  
d/b/a NorthWestern Energy*