

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

IN THE MATTER OF THE APPLICATION)	
OF SOUTH DAKOTA INTERSTATE)	MOTION FOR ADOPTION OF
PIPELINE COMPANY FOR AUTHORITY)	PROCEDURAL SCHEDULE
TO INCREASE ITS NATURAL GAS)	
RATES)	NG17-009
)	

COMES NOW, Staff (“Staff”) of the South Dakota Public Utilities Commission (“Commission”) and hereby files this Motion for Adoption of Procedural Schedule.

This docket was opened on June 1, 2017, with the rate case filing made on June 29, 2017. The parties to this proceeding are Staff, South Dakota Intrastate Pipeline (SDIP) and Montana-Dakota Utilities, Co. (MDU). Since the time of the filing, the parties have worked together in an attempt to establish a procedural schedule. While the parties appear to agree on most of the deadlines, it is Staff’s understanding that we will be unable to agree on a hearing date, which is necessary to establish all preceding dates in the process. Moreover, because the discovery process is well under way, it is increasingly important to establish a deadline for parties to respond to discovery requests. Absent a procedural schedule, a party typically has thirty days to respond to discovery by statute¹. However, historically, utilities have been respectful of the time constraints in a rate case and filed responses to discovery prior to thirty days, frequently within Staff’s requested ten business day deadline. For these reasons, Staff requests the Commission adopt the following procedural schedule.

SDIP Prefiled Testimony	Filed July 28, 2017
SDIP Supplemental Testimony Due	November 17, 2017
Staff and MDU Prefiled Testimony	April 2, 2018
All Parties Rebuttal Testimony	April 30, 2018
Final Discovery Responses Due	June 1, 2018
Evidentiary Hearing	June 2018 (Date TBD)

Staff requests that answers to discovery be due ten business days from receipt of a discovery request unless otherwise agreed to by the inquiring and responding parties.

It is typical in a rate case to schedule a hearing at least a month and a half prior to the expiration of the twelve months allotted by statute² to process a rate case. However, because one party has indicated to Staff that they have no availability in the month of May, Staff reviewed the

¹ SDCL § 15-6-33(a)

² SDCL § 49-41B-24

other options available for an evidentiary hearing, mainly holding a hearing in either April or in June.

Staff did consider holding a hearing in April, as it would provide the Commission with ample time to issue an order within the twelve month deadline. However, Staff is concerned that holding a hearing in April will limit the time available for the Parties to engage in meaningful negotiations throughout the process.

Based on these concerns, Staff considered a June hearing deadline. The main concern with a June hearing is that it would not be practical to expect an order to be issued prior to the expiration of the twelve month deadline, which began on June 29, 2017. However, this is a unique situation, as the remedy for failure to process a rate case within twelve months is the company may implement interim rates without those rates being subject to refund. Because SDIP has a contract with its only customer, and the contract does not expire until August 31, 2018, that remedy is not available to SDIP.

WHEREFORE, Staff respectfully requests the Commission issue an order adopting Staff's proposed procedural schedule set forth above and establishing a ten business day deadline for responses to discovery.

Dated this 2nd day of October, 2017.

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