

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

IN THE MATTER OF THE APPLICATION)	
OF MIDAMERICAN ENERGY COMPANY)	MIDAMERICAN ENERGY
FOR AUTHORITY TO INCREASE ITS)	COMPANY’S RESPONSE TO
NATURAL GAS RATES)	STEVEN WEGMAN’S PETITION
)	TO INTERVENE
)	
)	DOCKET NO. NG22-005

Pursuant to ARSD 20:10:01:15.04, MidAmerican Energy Company (“MidAmerican” or “Company”) by and through its representative, hereby answers the Petition to Intervene (“Petition”) of Mr. Steven Wegman (“Wegman”) in the above-captioned matter.¹ As explained below, MidAmerican urges the Commission to deny Wegman’s Petition, as it fails to identify a cognizable interest not adequately represented by the South Dakota Public Utilities Commission’s Staff in contravention of ARSD 20:10:01:15.05. Instead, the Company recommends that the Commission facilitate Wegman’s participation as an individual ratepayer in this docket through its non-party participant rule, ARSD 20:10:01:15.06.

On May 18, 2022, MidAmerican filed an application with the Commission for authority to increase its natural gas distribution rates. On June 10, 2022, Wegman filed a Petition to Intervene. MidAmerican now provides the following response to Wegman’s Petition.

I. Wegman’s Petition fails to satisfy ARSD 20:10:01:15.05; therefore, it must be denied.

1. The standards for intervention as a party in a proceeding before the Commission are set forth in SDCL 1-26-17.1, which provides that “[a] person who is not an original party to a contested case and whose pecuniary interests would be directly and immediately affected by an agency’s order made upon the hearing may become a party to the hearing by intervention, if timely application therefor is made.”² The Commission, through its rules, has further detailed the minimum contents and legal standard a petition to intervene must satisfy for approval. ARSD 20:10:01:15.03 provides, “[a] petition to intervene shall set out clearly and concisely the facts supporting the petitioner’s alleged interest in the proceeding and, to the extent known, the position of the petitioner in the proceeding. The petition shall also show service upon all parties to the proceeding.” Finally, for the Commission to grant party status, the petitioner must meet one of following three requirements: (1) be specifically deemed by statute to be interested in the matter

¹ Docket No. NG22-005, Steven Wegman’s Petition to Intervene, filed June 10, 2022.
² See Docket No. TC02-052, In the Matter of the Establishment of Switched Access Revenue Requirement for West River Cooperative Telephone Company, pg. 2, issued September 9, 2003.

involved; (2) be specifically declared by statute to be an interested party to the proceeding; or (3) agree to be bound by the proceeding's outcome and possess a peculiar interest, distinguishable from an interest common to the public or to the taxpayers in general.”³

2. In his Petition, Wegman fails to cite any statute that either declares or deems him to be a party to this proceeding; therefore, the Commission is only left to consider whether he possesses a unique interest distinguishable from the public or taxpayers generally. Wegman's Petition alleges a single fact—that he is a MidAmerican customer. This factual inference suggests that because his rate may change as a result of this proceeding, and because he is responsible for paying any Commission-approved changes, he should be granted party status. MidAmerican disagrees with this position. As an ultimate end-user of the Company's natural gas service, Wegman's interest is represented by Commission staff in this proceeding.⁴ Furthermore, the additional facts or information that would support the Commission finding a unique interest. In the absence of such an interest, Wegman's Petition should only be granted if there is a showing that Commission staff's representation is somehow inadequate. Again, Wegman's Petition fails to address whether or how the Commission staff will fail to adequately protect his interests in this proceeding. For these reasons, the Commission must deny Wegman's Petition to intervene as it fails to satisfy the requirements of ARSD 20:10:01:15.05.

3. Though Wegman is not eligible for party status in Docket No. NG22-005, he is not without recourse as South Dakota law recognizes the importance of citizens being able to participate in the regulatory process. SDCL § 49-1-11(2) and (4) allow the Commission to promulgate rules concerning the regulation of its proceedings. Through this authority the Commission adopted ARSD 20:10:01:15.06, which allows an individual customer or ratepayer to appear before the Commission as a non-party participant. This process affords Wegman the opportunity to attend hearings and present relevant comments, both oral and written, to the Commission on MidAmerican's application and its impact on him. The Company believes the Commission should employ this process to facilitate Wegman's participation as it prevents the duplication of repetitive evidence and promotes the efficient use of resources and the timely resolution of this docket.

II. Conclusion

4. As filed, Wegman's Petition to Intervene fails to state an interest in this docket distinguishable from that of the general public or taxpayers; and therefore, it fails to satisfy the Commission's intervention standard. For this reason, MidAmerican respectfully requests that the

³ ARSD § 20:10:01:15.05.

⁴ See Docket No. TC02-052, In the Matter of the Establishment of Switched Access Revenue Requirement for West River Cooperative Telephone Company, pg. 6, issued September 9, 2003. (Though this docket dealt with a wholesale telecommunications service—switched access service for the provision of inter- and intrastate service—the Commission's finding that the interests of the ultimate consumers of switched access services are represented by the Commission's Staff are equally applicable to natural gas utility service.)

Commission deny the Petition and instead facilitate Wegman's participation under its non-party participant rule.

Dated this 27th day of June, 2022

Respectfully Submitted,

MIDAMERICAN ENERGY COMPANY

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