

FORM 14

SMALL BUSINESS IMPACT STATEMENT FORM

See SDCL 1-26-2.1

(NOTE: This form must be signed by either the head of the agency or the presiding officer of the board or commission empowered to adopt the rules. Check your statutes to see who is authorized to promulgate rules. A small business is defined as any business with 25 or fewer full-time employees. When a set of rules is proposed, a general summary shall be provided; each proposed rule amendment shall also be explained thoroughly. In the case of a large set of proposed rules which all have a single purpose and impact, one explanation is sufficient. The law makes it clear that agencies or commissions shall use readily available information and existing resources to prepare the impact statement.)

1. Our agency has determined that the rule/s we are proposing have the following type of impact on small businesses:
 - Direct impact *(please complete remainder of form)*
 - Indirect impact *(please provide a brief explanation, then sign, date, and submit form. Questions 2 through 8 do not need to be answered)*
2. A general narrative and overview of the effect of the rule(s) on small business - written in plain, easy to read language:

The proposed rules will make changes to the procedures a small business must follow if it participates in a proceeding held before the Commission. One of the effects of the proposed rule changes is to allow for the electronic filing and serving of documents and to otherwise clarify how documents are to be filed. If a person does not have the ability to file electronically, that person may still file a paper copy. A number of the rule changes explain how to file electronically, how the commission will serve documents, outline the exceptions for filing electronically, and delete references to requirements for paper copies. See §§ 20:10:01:02.02, 20:10:01:02.05, 20:10:01:09.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15.02, 20:10:01:22.03, 20:10:01:25, 20:10:01:30.01, and 20:10:01:41. Proposed rule § 20:10:01:01.02 provides that the circuit court rules of civil procedure will apply unless otherwise stated. The changes to the rules will also differentiate between complaints filed by consumers and complaints filed by one utility against another utility. See §§ 20:10:01:01.01, 20:10:01:02.03, 20:10:01:07.01, 20:10:01:08.01, 20:10:01:08.02, 20:10:01:09, and 20:10:01:22.03. The differences in the treatment of complaints are intended to make it easier for a consumer to file a complaint when compared to a complaint filed by a utility. Proposed rule § 20:10:01:02.04 revises the requirements for stipulations by deleting the requirement that all parties must sign a stipulation. Other rule changes clarify that those rules apply to all contested cases, not just complaints. See §§ 20:10:01:15 and 20:10:01:15.01. Other proposed rules clarify the filing of interventions and answers to interventions. See §§ 20:10:01:15.02, 20:10:01:15.04, and 20:10:01:15.05. Proposed rule § 20:10:01:16 revises the procedures for filing amended pleadings. Some changes clarify the filing of exhibits or technical documents during a hearing. See §§ 20:10:01:22.07, 20:10:01:24, and 20:10:01:24.01. Proposed rule § 20:10:01:25 requires a party to file proposed findings of fact only if requested by the commission. Other proposed rules revise the filing of declaratory rulings and the timeline for Commission action. See §§ 20:10:01:34 and 20:10:01:35. Finally, the proposed changes

revise the treatment and filing of confidential information. See §§ 20:10:01:39, 20:10:01:40, and 20:10:01:41.

3. What is the basis for the enactment of the rule(s)?

- Required to meet changes in federal law
- Required to meet changes in state law
- Required solely due to changes in date (i.e. must be changed annually)

Other: The main reason for changing the procedural rules is to allow for the electronic filing of documents. The Commission now has all of its current dockets online and can accept electronically filed documents. With all of the current dockets online, anyone can easily access a docket and all the filings that have been made in the docket.

4. Why is the rule(s) needed?

The main reason for the rule changes is to help facilitate a change to the electronic filing and serving of documents. In addition, the electronic filing of documents will assist the Commission in maintaining its electronic database of all of its current dockets. An electronic database will give small businesses and citizens immediate and easy access to documents through the Commission's website. Many of the other changes are intended to clarify current rules and to address issues that have arisen in past proceedings.

5. What small businesses or types of small businesses would be subject to the rule?

Any small business that participates in a proceeding before the Commission is subject to the procedural rules. Typically, this will be a small telephone company or a small electric cooperative.

6. Estimate the number of small businesses that would be subject to the rule.

- 1-99 100-499 500-999 1,000-4,999 More than 5,000
- Unknown - please explain _____

7. Are small businesses required to file or maintain any reports or records under this rule?

- Yes No

a. If "yes," how many reports must a small business submit to the state on an annual basis?

b. If "yes," how much ongoing recordkeeping within the business is necessary?

c. If "yes," what type of professional skills would be necessary to prepare the reports or records?

- The average owner of a small business should be able to complete the reports and/or records with no assistance
- It is likely that a bookkeeper for a small business should be able to complete the reports and/or records
- It is likely that a small business person would need the assistance of a CPA to complete the reports and/or records

- It is likely that a small business person would need the assistance of an attorney to complete the reports and/or records
- Other _____
- Unknown - please explain _____

8. Are there any less intrusive or less costly methods to achieve the purpose of the rule (i.e. fewer reports, less recordkeeping, lower penalties)?

x No - please explain These changes should decrease costs and increase accessibility to Commission proceedings.

Yes - please explain _____

10/3/06
Dated


Authorized Signature

Public Utilities Commission
Name of Agency