

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 412, 4th Floor, State Capitol, Pierre, South Dakota, on November 7, 2006, at 1:30 p.m., to consider the adoption and amendment of proposed rules numbered:

20:10:01:01.01, 20:10:01:01.02, 20:10:01:02.02, 20:10:01:02.03, 20:10:01:02.04, 20:10:01:02.05, 20:10:01:07.01, 20:10:01:08.01, 20:10:01:08.02, 20:10:01:09, 20:10:01:09.01, 20:10:01:10, 20:10:01:11.01, 20:10:01:15, 20:10:01:15.01, 20:10:01:15.02, 20:10:01:15.04, 20:10:01:15.05, 20:10:01:16, 20:10:01:22.03, 20:10:01:22.07, 20:10:01:24, 20:10:01:24.01, 20:10:01:25, 20:10:01:30.01, 20:10:01:34, 20:10:01:35, 20:10:01:39, 20:10:01:40 and 20:10:01:41

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.

The main reason for the proposed changes is to update the Commission's procedural rules. Many of the rule changes are made in order to allow for the electronic filing and serving of documents. The filing and service of documents by parties will be easier and less costly for those who are able to send and receive documents electronically. In addition, the parties will no longer be required to send in an original and ten paper copies of documents even if they are unable to file electronically.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by November 17, 2006, to be considered.

After the hearing, the Commission will consider all written and oral comments it receives on the proposed rules. The Commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address:

<http://www.state.sd.us/puc/commission/dockets/rulemaking/2006/rm06-003/rm06-003.htm>