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## SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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November 23, 2010

### Via electronic filing

Ms. Patty Van Gerpen  
Executive Director  
South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Pierre, SD 57501

Re: Draft Rules for Docket RM10-001

Dear Ms. Van Gerpen:

Attached are draft rules for docket RM10-001. The Commission is seeking comment on these draft rules. Any interested person may file comments regarding the draft rules on or before December 17, 2010.

Based on the comments received, changes may be made to the draft rules. Proposed rules may then be filed with the Legislative Research Council to begin the formal rulemaking process. During that process, any interested person will also have the opportunity to file written comments, as well as provide comments at the hearing.

Sincerely,

Rolayne Ailts Wiest  
Commission Counsel

## CHAPTER 20:10:17

### GAS AND ELECTRIC CUSTOMER BILLING RULES

#### Section

- 20:10:17:01 Billing basis.
- 20:10:17:02 Meter readings.
- 20:10:17:03 Information on bills.
- 20:10:17:04 Customer payment records.
- 20:10:17:05 Meter test by customer request.
- 20:10:17:06 Adjustments of bills for slow or fast meter error -- Electric.
- 20:10:17:07 Adjustments of bills for slow or fast meter error -- Gas.
- 20:10:17:08 Adjustments to bills for meter failing to register.
- 20:10:17:09 Adjustments to bills for other meter errors.
- 20:10:17:09.01 Creation of regulatory asset for uncollected amounts.
- 20:10:17:10 Equal monthly billing.
- 20:10:17:11 Estimated billing.
- 20:10:17:12 Disputes.
- 20:10:17:13 Complaints.

**20:10:17:06. Adjustments of bills for slow or fast meter error -- Electric.** ~~Whenever any~~ If a meter tested by the commission or the utility is found to have an average error of two percent fast or more, the utility shall refund to the customer the overcharge. ~~Whenever any~~ If a meter for a commercial customer is tested by the commission or the utility and is found to have an average error of two percent slow or more, the utility may charge for the electricity consumed but not included in ~~the bill~~ previously rendered bills. The utility may not charge a residential customer for electricity consumed but not included in previously rendered bills due to a slow meter. ~~The refund or charge for a slow or fast meter shall be based on the corrected meter reading for a period equal to one-half the time elapsed since the most recent test, but not to exceed six months, unless it can be established that the~~

~~error was due to some cause, the date of which can be fixed with reasonable certainty, in which case the refund or charge shall be computed from that date.~~

A refund for a fast meter or a charge for a slow meter shall be calculated as accurately as possible from the date of the error. If the error date cannot be fixed with reasonable certainty, the refund or charge is limited to six months. The average error of a meter shall be defined as one-fifth the algebraic sum of:

- (1) One times the error at a light load; and
- (2) Four times the error at a heavy load.

Only the customer served by the meter at the time of testing is eligible for a refund.

**Source:** 3 SDR 2, effective July 19, 1976; 12 SDR 86, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 49-34A-4.

**Law Implemented:** SDCL 49-34A-3, 49-34A-4, 49-34A-27.

**20:10:17:07. Adjustments of bills for slow or fast meter error -- Gas.**

~~Whenever any~~ If a meter tested by the commission or the utility is found to have an error of two percent fast or more, the utility shall refund to the customer the overcharge. ~~Whenever any~~ If a meter for a commercial customer is tested by the commission or the utility and is found to have an error of two percent slow or more, the utility may charge for the gas consumed but not included in the bill previously rendered bills. The utility may not charge a residential customer for gas consumed but not included in previously rendered bills due to a slow meter. The refund or charge for a slow or fast meter shall be based on the corrected meter reading for a period equal to one-half of the time elapsed since the most recent test, but not to exceed six months, unless it can be established that the error was due to some cause, the date of which can be fixed with reasonable certainty, in which case the refund or charge shall be computed from that date.

A refund for a fast meter or a charge for a slow meter shall be calculated as accurately as possible from the date of the error. If the error date cannot be fixed with reasonable certainty, the refund or charge is limited to six months. Only the customer served by the meter at the time of testing is eligible for a refund.

**Source:** 3 SDR 2, effective July 19, 1976; 12 SDR 86, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 49-34A-4.

**Law Implemented:** SDCL 49-34A-3, 49-34A-4, 49-34A-27.

**20:10:17:08. Adjustments to bills for meter failing to register. ‡**

Except for residential customers, if a meter is found not to register or to register intermittently for any period, the utility may charge for an estimated amount of

electricity or gas used. The estimate shall be calculated by averaging the energy usage registered over corresponding periods in previous years. In the absence of such information, similar periods of known accurate measurement preceding or subsequent to the period in question shall be used.

**Source:** 3 SDR 2, effective July 19, 1976; 12 SDR 86, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 49-34A-4.

**Law Implemented:** SDCL 49-34A-3, 49-34A-4, 49-34A-27.

**20:10:17:09. Adjustments to bills for other meter errors.** If a customer has been overcharged or undercharged as a result of an incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection of the meter, application of an incorrect multiplier or constant or other similar reason, the overcharge shall be refunded to the customer or the undercharge may be billed to the customer. However, the utility may not charge a residential customer for electricity or gas consumed but not included in previously rendered bills due to a meter error. ~~The refund or charge shall not exceed one year, unless the date of the error can be fixed with reasonable certainty, in which case the refund or charge shall be computed from that date.~~

A refund for a meter error or a charge for a meter error shall be calculated as accurately as possible from the date of the error. If the error date cannot be fixed with reasonable certainty, the refund or charge is limited to one year. Only the customer served by the meter at the time the meter error was discovered is eligible for a refund.

**Source:** 3 SDR 2, effective July 19, 1976; 12 SDR 86, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 49-34A-4.

**Law Implemented:** SDCL 49-34A-3, 49-34A-4, 49-34A-27.

20:10:17:09.01. Creation of regulatory asset for uncollected amounts. A utility may create a regulatory asset for amounts not otherwise recovered from a residential customer for meter errors.

**Source:**

**General Authority:** SDCL 49-34A-4.

**Law Implemented:** SDCL 49-34A-3, 49-34A-4, 49-34A-27.