

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE ADOPTION OF)
RULES REGARDING RATE FILING,)
ENERGY FACILITY PLANS, SITING)
RULES, LOCAL EXCHANGE)
COMPETITION, TELECOM SERVICES,)
PIPELINE SAFETY, AND STRAY VOLTAGE)

ORDER ADOPTING RULES

RM19-001

The South Dakota Public Utilities Commission (Commission) is proposing to adopt rules numbered 20:10:01:41, 20:10:01:41.1, 20:10:13:17, 20:10:13:19, 20:10:21:04, 20:10:22:01, 20:10:22:05, 20:10:22:33.01, 20:10:22:33.02, 20:10:32:54, 20:10:35:08, 20:10:37:18, 20:10:39:07, 20:10:39:08, 20:10:21:22, 20:10:37:10, 20:10:37:17, 20:10:37:19. The effect of the rules will be to improve and update existing rule language pertaining to: confidentiality, rate filing, energy facility plans, siting rules, local exchange competition, telecom services, pipeline safety, and stray voltage.

Initially, at its May 2, 2019, meeting, the Commission voted to open a rulemaking docket for the purpose of receiving comments on the draft rules. Comments were received from MidAmerican Energy Company, NorthWestern Energy, South Dakota Rural Electric Association, Montana: Dakota Utilities Co., South Dakota Telecommunications Association, Basin Electric and Black Hills Power Inc. dba Black Hills Energy.

On March 24, 2021, a public hearing was noticed and held in Room 413, of the State Capitol in Pierre, South Dakota, to consider the adoption and amendment of the proposed rules. Following the hearing, Commission staff, NorthWestern Energy, MidAmerican Energy, Montana-Dakota Utilities, Basin Electric, and the South Dakota Rural Electric Association filed written comments. On March 31, 2021, the Commission attorney filed a clean and indexed version of the rules.

At its April 13, 2021, meeting, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL chapters 1-26 and 49-1. After taking into consideration the written comments and comments received at the meeting, the Commission unanimously voted to adopt the rules as filed by the Commission attorney on March 31, 2021, and to include Commission staff's March 31, 2021, suggested change to the proposed rules. The Commission made the following change: (1) ARSD 20:10:22:33.02(5) be revised as set forth below.

(5) Anticipated noise levels at the exterior of all occupied residences located within the affected area during construction and operation; It is therefore

ORDERED, that the above-referenced change shall be made to the proposed rules; and it is further

ORDERED, that the rules regarding Rate Filing, Energy Facility Plans, Siting Rules, Local Exchange Competition, Telecom Services, Pipeline Safety, and Stray Voltage are adopted.

Dated at Pierre, South Dakota, this 16th day of April 2021.

| CERTIFICATE OF SERVICE | |
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| The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail. | |
| By: | <u>Adam Detrick</u> |
| Date: | <u>04/16/21</u> |
| (OFFICIAL SEAL) | |

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner