

ARTICLE 20:10

PUBLIC UTILITIES COMMISSION

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CHAPTER 20:10:01

GENERAL RULES OF PRACTICE

Section

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Order to show cause -- Service, notice, contents.

20:10:01:08.01. Commission action on consumer complaints. ~~Upon the filing of a consumer complaint~~ When a consumer contacts the commission to make a consumer complaint, the commission ~~shall~~ may attempt to settle the complaint without formal action. If the consumer complaint cannot be ~~properly disposed of~~ resolved informally ~~or if the consumer chooses to file a formal complaint~~, the commission ~~shall~~ must proceed in accordance with the provisions of § 20:10:01:09.

Source: 2 SDR 56, effective February 2, 1976; transferred from § 20:10:14:12, 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 33 SDR 107, effective December 26, 2006.

General Authority: SDCL 49-1-11(2),(4), ~~49-34A-6~~.

Law Implemented: SDCL 49-1-11(2),(4), 49-34A-6.

Explanation: The changes proposed to this rule clarify the Commission's consumer complaint process in order to reflect the way consumer complaints are typically handled and acknowledge the existence of circumstances in which it is not possible or practical to handle a complaint without formal action.

20:10:01:10. Actions which satisfy complaint. ~~The respondent shall, within the time specified by § 20:10:01:09, satisfy the complaint by making reparation for the injury alleged to have been done, correcting the wrong complained of, or answering the complaint by filing the answer with the commission and serving a copy on each complainant. If a respondent satisfies a complaint before or after answering, a written acknowledgment showing the character and extent of the satisfaction must be filed by the complainant, and a statement of the facts and manner of satisfaction may be filed as an answer. Upon approval of the commission, the complaint shall be dismissed.~~ Repealed.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 25 SDR 89, effective December 27, 1998; 33 SDR 107, effective December 26, 2006.

General Authority: ~~SDCL 49-1-11(2),(4), 49-34A-4(6).~~

Law Implemented: ~~SDCL 49-1-11(2),(4), 49-13-1, 49-13-3, 49-34A-4(6).~~

Explanation: Repeal of this rule is suggested because it is redundant to the procedures available under the Rules of Civil Procedure.

20:10:01:22.04. Change in time and place of hearing. ~~Changes in the time and place of the first session of the hearing in any proceeding shall be granted only for good cause shown. Notices of changes in time and place, if granted, shall be made to all parties to the proceeding and to persons who have appeared or who have petitions to intervene pending before the commission. The commission, upon its own motion and adequate notice to the parties, may change the time and place of any session.~~ Repealed.

Source: 2 SDR 56, effective February 2, 1976; transferred from § 20:10:14:26, 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

~~**General Authority:** SDCL 49-1-11.~~

~~**Law Implemented:** SDCL 49-1-11.~~

Explanation: This repeal was suggested as changes in the time and place of a hearing are now subject to the provisions of Open Meetings and notice requirements in statute.

20:10:01:22.07. Exhibits at hearing. ~~When exhibits have been prepared to be used at the hearing either as evidence or for illustrative purposes, or both, the parties shall have the exhibits marked prior to the hearing. If the exhibits have not previously been served on the other parties and filed with the commission, the party using exhibits shall provide copies of the exhibits at the hearing to the commissioners, commission and staff attorneys, the court reporter, and each party in the proceeding. If enlarged exhibits have been prepared for the hearing, copies of enlarged exhibits shall be reduced or folded to 8 1/2 inches by 11 inches in size prior to the hearing. If a party in a hearing does not follow the requirements of this section, the commission may or may not accept the exhibits at the hearing. A party to a proceeding shall prefile electronically with the commission all exhibits the party intends to offer at an evidentiary hearing, unless otherwise ordered by the commission. A party filing the exhibits must mark each exhibit with an exhibit number and serve the exhibits upon all other parties at the time of filing.~~

Source: 18 SDR 26, effective August 7, 1991; 33 SDR 107, effective December 26, 2006.

General Authority: SDCL 49-1-11(2),(4).

Law Implemented: SDCL 49-1-11(2),(4).

Explanation: This amendment reflects current process, as the Commission follows the Rules of Evidence and Rules of Civil Procedure. The Commission generally requires parties to prefile exhibits, therefore, that has been incorporated into this rule.

20:10:01:23. Documentary evidence. ~~Where relevant and material matter offered in evidence is contained in a lengthy book or document containing other matters not material or relevant and not intended to be put in evidence, the document shall not be filed. The party offering such evidence shall present to opposing parties and to the commission, in proper form for filing, true copies of such material and relevant matter only, so long as such copies are otherwise admissible~~ Repealed.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

~~— **General Authority:** SDCL 49-1-11.~~

~~— **Law Implemented:** SDCL 1-26-19.~~

Explanation: This repeal is suggested as redundant to the Rules of Evidence found in statute.

20:10:01:24.02. Receipt of evidence. ~~Evidence shall be received in the order determined by the commission or presiding officer at the hearing~~ Repealed.

Source: 2 SDR 56, effective February 2, 1976; transferred from § 20:10:14:20, 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

~~**General Authority:** SDCL 49-1-11.~~

~~**Law Implemented:** SDCL 1-26-19.~~

Explanation: This repeal is suggested as the subject is adequately addressed in statute, namely SDCL chapters 1-26 and 15-6, and SDCL Title 19.

20:10:01:25. Briefs. ~~The commission in its discretion may order the filing of written briefs and when so ordering shall fix the due dates for filing. Briefs shall contain the following matters: statement of the case; abstract of the evidence relied upon by the party filing the brief; specific citations to facts contained in the record; and arguments, including references to decisions of the commission, other commissions, or the courts. If requested by the commission, the parties shall file proposed findings of fact. The requested findings must be stated separately and numbered. The briefs shall be filed with the commission and a copy shall be served on each party. Certification of service shall be filed with the briefs.~~ Repealed.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 25 SDR 89, effective December 27, 1998; 33 SDR 107, effective December 26, 2006.

~~— **General Authority:** SDCL 49-1-11(4).~~

~~— **Law Implemented:** SDCL 49-1-11(4).~~

Explanation: The Commission retains the authority to request post-hearing briefs. Therefore, there does not appear to be a need for this rule.
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20:10:01:41.01. Requests for confidential treatment of information by a ~~non-submitting party~~ other than the filer. A request by a ~~non-submitting~~ party for confidential treatment of information filed by another party ~~shall~~ must be made by submitting the request to the commission, along with the following information:

- (1) An identification of the document ~~and the general subject matter of the~~ or other materials or the portions of the document for which confidentiality is being requested;
- (2) ~~The length of time for which confidentiality is being requested and a request for handling at the end of that time~~ requested period for confidential treatment of the information and the proposed disposition of the conformation upon expiration of the period of confidential treatment. ~~This does not preclude a later request to extend the period of confidential treatment;~~
- (3) The name, address, and ~~phone~~ telephone number of a person to be contacted regarding the confidentiality request;
- (4) ~~The statutory or common law grounds and any administrative rules~~ Any statutory, administrative rule, or common law authority under which confidentiality is requested. ~~Failure to include all possible grounds for confidential treatment does not preclude the party from raising additional grounds in the future; and~~
- (5) The factual basis that qualifies the information for confidentiality under the authority cited.

Upon receipt of a request for confidential treatment of information filed by another party, the commission must treat the information as confidential and may not release the information unless all parties agree to the release or the commission determines the information is not confidential. If the commission determines the information is

confidential, the submitting party must submit both confidential and redacted versions within five business days of the receipt of the request or the date of the evidentiary hearing when the information is to be used, whichever comes first.

The submitting party shall clearly mark each page or portion of the confidential information as "confidential" in prominent, bold print, and file with the commission both the marked and redacted versions.

Failure to include all possible grounds for confidential treatment does not preclude the party from raising additional grounds in the future. Nothing in this rule precludes a later request by any party to extend the period of confidential treatment.

Source: 47 SDR 125, effective May 30, 2021.

General Authority: SDCL 49-1-11(6).

Law Implemented: SDCL 49-1-9, 49-1-11~~(6)~~(4).

Explanation: The amendments to this rule were proposed in order to clarify that process for acting on a request from one party to have information filed by another party deemed confidential. An example of this is when Party A obtains information in discovery from Party B and files that information as an exhibit for a hearing but does not mark it as confidential. This amendment clarifies how the information will be handled if Party B to assert confidentiality.

Style and form edits suggested by LRC address issues of clarity in the existing rule.

20:10:06:02. Public information. ~~The~~ A telecommunications company shall make
the rules of chapters 20:10:05 to 20:10:10, inclusive, and telecommunications companies'
company's tariffs, shall be available either in all telecommunications companies' business
offices the company's business office or on the company's website for commission and
public inspection.

A telecommunications company shall furnish, upon request, a free copy of ~~the rules~~
~~and a free copy of necessary~~ requested tariff pages ~~as reasonably requested,~~ to any
applicant for service or to any subscriber.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12
SDR 155, effective July 1, 1986; 21 SDR 81, effective November 3, 1994.

General Authority: SDCL 49-31-5.

Law Implemented: SDCL ~~49-31-5~~ 49-31-12.2.

Explanation: The proposed amendment would allow a telecommunications company to publish the
required information on its website.

LRC's suggested edits remove the requirement that a copy of the administrative rules be provided. This
is because the official copy of the administrative rules is now maintained by LRC on its website, and
there was some concern about the accuracy of rules maintained offsite by a third party.

20:10:06:03. Review. A telecommunications company involved in a dispute with a subscriber or applicant on any subject governed by chapters 20:10:05 to 20:10:10, inclusive, or on any other telecommunications service concern, shall inform the subscriber or applicant of the right to appeal a decision of the telecommunications company to the Public Utilities Commission, which may be contacted in person or in writing at 500 East Capitol Avenue, Pierre, South Dakota 57501-5070, ~~phone number~~ or by telephone at 605-773-3201 or 1-800-332-1782. Each telephone directory in the state shall contain in its instructional ~~pages the statement.~~ Each telecommunications company shall prominently publish a statement on the company's website that, which notifies the public:

(1) That dissatisfied persons may contact the commission at the ~~above listed~~ address and ~~phone numbers~~

~~Additionally, each telecommunications company shall prominently display, as well as a notice of telephone number;~~

(2) Of the subscriber's or applicant's review rights; and ~~shall also display the fact that~~

(3) That commission's rules and the telecommunications company's tariffs are available at the business office for inspection by interested persons and that free copies of necessary pages are also available as reasonably requested upon request.

Source: SL 1975, ch 16, § 1; 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 21 SDR 81, effective November 3, 1994.

General Authority: SDCL 49-31-5.

Law Implemented: SDCL ~~49-31-5~~ 49-31-12.2.

Explanation: The amendment provides for the use of the company's website. Other changes are style and form suggestions from LRC

20:10:12:05.02. Release of bonds. ~~An~~ During a license year, an original bond filed with the commission for the license year may not be released unless a new bond is executed to replace the original bond for the entire license year.

The commission may release a bond beginning one hundred twenty days following the conclusion of the license year if:

- 1) A claim against the bond has not been received during the ninety-day claim period established in SDCL 49-45-19; and
- 2) The commission has conducted an inspection of the grain buyer after the conclusion of the license year and verified all cash purchases have been paid in full.

Source: 40 SDR 39, effective September 9, 2013.

General Authority: SDCL 49-45-6(1)(~~6~~).

Law Implemented: SDCL 49-45-9.

Explanation: This addition establishes in rule the process by which a bond may be released. Grain bonds are obtained for each license year and are not continuous, therefore, grain buyers are unlikely to be impacted by the change. Rather, it merely clarifies when the PUC can dispose of the written bond.

20:10:12:13. Notice required to credit seller of grain. The terms of a voluntary credit sale of grain ~~shall~~ must contain the following statement: "This contract is not protected by South Dakota statutory bond coverages." ~~This~~ The statement ~~shall~~ must be printed in red or bold type immediately above the seller's signature line.

In addition ~~to this statement~~, each voluntary credit sale contract ~~shall include the following~~ must provide:

- (1) ~~Name~~ The name of the grain buyer;
- (2) ~~Name~~ The name of the seller;
- (3) ~~Amount~~ The amount and type of grain;
- (4) ~~Grade~~ The grade of the grain;
- (5) ~~Method~~ The method of pricing;
- (6) Service charges or other fees;
- (7) Advances against the contract;
- (8) The settlement date; and

~~(8)(9)~~ A statement that title to the grain passes to buyer upon delivery; and.

~~(9) Signature and date of signature for~~ Except as otherwise provided, both the seller and buyer ~~immediately preceded by~~ shall sign and date the contract in the space directly below the required statement ~~required in this section. However, if the voluntary credit sale.~~ A contract that is signed by only one of the parties ~~to the contract,~~ satisfies the requirements of this subsection ~~are considered met~~ paragraph if, within a reasonable time, a writing in the non-signing party provides written confirmation of the contract and, which is sufficient against

~~the sender is received and the party receiving the writing in confirmation has reason to know its contents, unless written notice of objection to its contents is given within two days after the writing in confirmation is received~~ the requirements of SDCL 57A-2-201(d) are met.

Source: 12 SDR 85, effective November 24, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 24 SDR 190, effective July 15, 1998; 35 SDR 48, effective September 9, 2008; 40 SDR 39, effective September 9, 2013.

General Authority: SDCL 49-45-6(4)(3), 49-45-11.

Law Implemented: SDCL 49-45-11.

Explanation: This amendment adds a requirement for a settlement date to be added to a VCS contract. Other changes are style and form suggestions from LRC. Most notably, the final paragraph was stricken after it was noted during a review of LRC's suggested edits that the language was a restatement of the language in the statute cited. Therefore, this is not a substantive change.

20:10:13:40. Contents of applications for rate increases. ~~Applications~~ A utility, in its application for a rate increase, shall include ~~increase, shall provide~~ the cost of service to be supplied and ~~shall include~~ the additional material required in §§ 20:10:13:41 to 20:10:13:107, inclusive. ~~Additional materials may be supplied by the utility if~~ The utility may submit additional materials as the utility feels that it is ~~considers~~ necessary. ~~All applications for rate increases shall be submitted~~ A utility filing for a rate increase shall submit the application at least ~~30~~ thirty days prior to the date that the rate increase is proposed to become effective.

If the information described in §§ 20:10:13:51 to 20:10:13:102, inclusive, is prepared at the total company basis, the utility must also provide the statements at the state level.

Source: 2 SDR 90, effective July 7, 1976; 5 SDR 1, effective July 25, 1978; 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-10, 49-34A-12, ~~49-34A-41~~.

Explanation: The proposed amendment adds a requirement that certain rate case information be provided at the state level. This will not change the current process, as that is the level at which the information has always been needed to process a rate case. Therefore, this is a clarification, not a change in process.

Other changes were LRC style and form suggestions, such as removing the use of passive voice.

20:10:16:01. Public information. ~~Each A~~ utility shall ~~comply with the following:~~

(1) ~~A utility shall post~~ Post prominently and conspicuously on the utility's website and at all utility office locations open to the general public any public office of the utility a sign or notice ~~explaining:~~

(a) Explaining where, when, and to whom a complaint may be directed ~~and a notice of;~~ and

(b) Of the availability of the commission to act as a mediator ~~with,~~ which lists the commission's mailing address, e-mail address, and telephone number;

(2) Each time ~~a~~ the utility is granted an increase in residential rates, ~~the utility shall furnish to each residential customer that is~~ affected by the change in rates a comparison of the prior rates and the new rates. ~~The comparison shall,~~ which must include a:

(a) A minimum of six different KWH, one hundred cubic feet (CCF), MCF or Therm steps showing the cost of the prior rates, ~~the;~~

(b) The cost of the new rates, ~~the;~~

(c) The difference between the prior and new rates, ~~and the;~~ and

(d) The percent increase.

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-26, 49-34A-27.

Explanation: The proposed amendment requires posting of information on a company's website. Other amendments are LRC style and form suggestions.

20:10:16:03. Emergency information. ~~Each utility, for every area which it serves, A~~
~~utility shall provide in the area telephone directories, in a prominent location on the utility's~~
~~website, a telephone number through which the utility can~~ may be notified at any time of any
utility service problem or emergency.

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-2, 49-34A-2.1, 49-34A-27.

Explanation: This amendment requires emergency information to be published on the utility's website rather than in a telephone directory, as it is less likely that a customer has easy access to a telephone directory. An LRC suggestion removes the phrase "for every area which it serves", as that language is not necessary if the information is on a company's website rather than in a local directory.

20:10:17:13. Complaints. ~~Each~~ A utility shall make a full and prompt investigation of ~~all complaints~~ any complaint received. ~~For all written complaints or any other complaints which are unresolved, the~~ The utility shall annually prepare a written ~~record~~ report of each complaint that was unresolved for more than sixty days, showing the name and address of the complainant, the date and character of the complaint, and the ~~disposition~~ status of the complaint or actions taken by the utility to resolve the complaint. ~~A monthly summary of all written complaints received showing the character of the complaints and the disposition thereof shall be attached to and submitted with the utility's annual report to the commission.~~ The utility shall submit the report to the commission by January first of each year.

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-2, 49-34A-2.1, 49-34A-27.

Explanation: This amendment would clarify which complaint information the Commission would like to receive and removes the existing requirement for an annual report to be filed with the Commission.

20:10:19:09. Refund of deposits upon disconnection. After disconnection of service and receipt of ~~the~~ a customer's final payment, ~~the~~ a utility shall promptly and automatically refund the customer's deposit, plus accrued interest, or the balance, if any, in excess of the unpaid bills for service furnished by the utility. The utility shall ~~make a reasonable effort to~~ refund the deposit. If ~~no~~ a refund is not possible, the unclaimed deposit, plus accrued interest, ~~shall be credited to an appropriate account~~ is subject to the provisions of SDCL chapter 43-41B.

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-2, 49-34A-27.

Explanation: This amendment clarifies that when a utility is unable to locate a customer entitled to a refund, that refund needs to go through the state's Unclaimed Property process, as established in SDCL chapter 43-41B. It removes the ambiguity of allowing the utility to credit it to an appropriate account. This is consistent with state law.

20:10:20:08. Insufficient reasons for disconnection. A utility ~~shall~~ may not disconnect service to any customer solely ~~upon any of the following grounds~~ due to the customer's failure to pay for:

~~(1) The customer's failure to pay for merchandise or special services purchased from the utility;~~

~~(2) The customer's failure to pay for a~~ (1) A different class of utility service; or

~~(3) The customer's failure to pay a~~ (2) A bill for which the customer is a guarantor.

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-2, 49-34A-2.1, 49-34A-27.

Explanation: This amendment removes the failure to pay for merchandise or services as a reason for disconnection, as gas and electric utility companies no longer sell appliances.
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20:10:20:11. Residential medical emergency. Notwithstanding the provisions of §§ 20:10:20:03 and 20:10:20:04, a utility shall postpone the disconnection of utility service to a residential customer for ~~30~~ thirty days from the date of a physician's certificate or a notice from a public health or social services official, which states that disconnection of the service will aggravate an existing medical emergency of the customer, ~~a member of the customer's family~~, or other permanent resident of the premises where the service is provided. ~~Such extensions are~~ An extension pursuant to this section is limited to a single ~~30-day~~ thirty-day period.

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; 13 SDR 40, effective October 14, 1986.

General Authority: SDCL 49-34A-4.

Law Implemented: SDCL ~~49-34A-3, 49-34A-4~~ 49-34A-2, 49-34A-27.

Explanation: This amendment removes the ambiguity of the “member of the customer’s family”, as that phrase was unclear and undefined and is redundant to the provision for another permanent member of the premises.

CHAPTER 20:10:24

INTEREXCHANGE CARRIER AND CLASSIFICATION RULES

Section

- 20:10:24:01 Definitions.
- 20:10:24:02 Certificate of authority for interexchange service -- Application requirements.
- 20:10:24:03 Denial of application for certificate of authority for interexchange service.
- 20:10:24:04 Certificate of authority -- Information filed after certification.
- 20:10:24:04.01 Sale, assignment, lease, or transfer of certificate of authority.
- 20:10:24:04.02 Suspension or revocation of certificate of authority.
- 20:10:24:04.03 Notice and hearing required for suspension or revocation of certificate of authority.
- 20:10:24:04.04 Procedure for suspension or revocation hearing.
- 20:10:24:04.05 ~~Performance bonds~~ Bond or other security.
- 20:10:24:05 Alternative operator services.
- 20:10:24:06 Classification -- Application requirements.
- 20:10:24:07 Classification -- Filing the application.
- 20:10:24:08 Classification -- Incomplete application.
- 20:10:24:09 Classification -- Emerging competitive services -- Trial offerings.
- 20:10:24:10 Classification -- Variance from application rules.
- 20:10:24:11 Reclassification -- Contents of complaint.

- 20:10:24:12 Reclassification -- Filing of complaint.
- 20:10:24:13 Reclassification -- Incomplete complaint.
- 20:10:24:14 Reclassification -- Variance from rules for filing complaints.
- 20:10:24:15 Utility investigation fund -- Criteria for determining deposit amount.
- 20:10:24:16 Utility investigation fund -- Notice of assessment -- Deadline for payment.
- 20:10:24:17 Utility investigation fund -- Allocation of share to other parties.
- 20:10:24:18 Utility investigation fund -- Objections to deposit amount.
- 20:10:24:19 Utility investigation fund -- Action taken on unpaid deposit

20:10:24:04. Certificate of authority -- Information filed after certification. ~~After a telecommunications company has received a certificate of authority from the commission, the company shall submit to the commission on June 1 each year thereafter a report identifying the exchanges, routes, or other geographic areas of this state where it is providing or expects to provide services. The report shall include the number and type of customers being served~~ Repealed.

Source: 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective November 3, 1994; 22 SDR 107, effective February 18, 1996; 25 SDR 89, effective December 27, 1998.

~~— **General Authority:** SDCL 49-31-3.~~

~~— **Law Implemented:** SDCL 49-31-3.~~

Explanation: This repeal is consistent with the repeal for local exchange in last year's rulemaking, RM25-001.
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20:10:24:04.05. ~~Performance bonds~~Bond or other security. If in the public interest, the commission may require an applicant, as a condition precedent to granting a certificate of authority, to file with the commission a bond or other security for an amount and a duration ~~as the commission may require~~. The bond or other security shall:

(1) Must be filed with the commission ~~and shall be;~~ and

(2) Is for the benefit of ~~a customer of the applicant. The bond or other security shall~~ apply the applicant's customers and applies only to customers receiving interexchange service from the applicant in this state.

(3) Applies ~~only to customers receiving wireline interexchange service that is being provided in South Dakota this state by the applicant.~~

The commission may require an increase in the amount of the bond or other security, from time to time, as the commission deems necessary for the protection of the ~~public~~ customers receiving interexchange service in this state. ~~The bond may be a surety bond or other security as the commission may require.~~ If a surety bond is required, the surety on the bond must be a corporate surety company holding a certificate with the ~~Department~~ Division of Insurance ~~of the State of South Dakota authorizing it to execute the same, which~~ authorizes the company to execute surety bonds.

Source: 25 SDR 89, effective December 27, 1998; 34 SDR 67, effective September 11, 2007.

General Authority: SDCL 49-31-3.

Law Implemented: SDCL 49-31-3, 49-31-117.

Explanation: This amendment is intended to correct bond language.

CHAPTER 20:10:30

ASSIGNMENT OF N11 DIALING CODES

(Repealed)

Section

- 20:10:30:01 Available codes, Repealed.
- 20:10:30:01.01 Criteria for assignment, Repealed.
- 20:10:30:02 Assignment, Repealed.
- 20:10:30:03 Application -- Contents, Repealed.
- 20:10:30:04 Financial information, Repealed.
- 20:10:30:05 Burden of proof -- Public interest -- Technical, financial, and managerial capabilities, Repealed.
- 20:10:30:06 Interim approval -- Terms and conditions, Repealed.
- 20:10:30:07 Nontransferability, Repealed.
- 20:10:30:08 Termination for failure to provide service within 90 days, Repealed.
- 20:10:30:09 Termination if service no longer in public interest, Repealed.
- 20:10:30:10 Termination for higher public interest, Repealed.

20:10:30:01. Available codes. ~~The commission may, upon receipt of an application or upon its own motion, assign an available N11 dialing code within South Dakota local exchanges to a qualified person. Codes 611 and 811 may be assigned if a local exchange carrier (LEC) does not at the time of the application or motion use those codes or if the commission determines, pursuant to § 20:10:30:10, that the purpose proposed in the application or motion is a higher public interest than the purpose for which the LEC is using the 611 or 811 dialing code~~ Repealed.

Source: 21 SDR 4, effective July 17, 1994; 21 SDR 90, effective November 14, 1994.

~~— **General Authority:** SDCL 49-31-5.~~

~~— **Law Implemented:** SDCL 49-31-3, 49-31-5, 49-31-7, 49-31-7.1.~~

~~— **Cross-Reference:** Persons, organizations and entities subject to general jurisdiction provisions, SDCL 15-7-1.~~

20:10:30:01.01. Criteria for assignment. ~~An application for the assignment of an N11 dialing code must demonstrate that the service to be provided or accessed through the use of the dialing code provides direct and substantial benefits to the public. In demonstrating the benefits the applicant must address in its application, and the commission may consider the following, as applicable:~~

~~——(1) The emergency nature of the services and their benefit to the health, safety, and welfare of persons;~~

~~——(2) Access to a broad range of national, state, and local governmental and public agencies;~~

~~——(3) Access to communications services by persons disadvantaged by a physical impairment;~~

~~——(4) Facilitation of customer connection to the local telecommunications network;~~

~~——(5) Whether the assignment of a particular dialing code maximizes public benefits and minimizes public confusion;~~

~~——(6) Whether the assignment of a particular code is compatible with the national, state, and local concerns for the preservation of universal service and the efficient, effective use of local telecommunications networks;~~

~~——(7) Whether the assignment of a particular dialing code facilitates the national or international assignment of the same code for similar services; and~~

~~——(8) Any other criteria the commission considers relevant to a public interest determination~~ Repealed.

Source: 21 SDR 90, effective November 14, 1994.

~~— **General Authority:** SDCL 49-31-5.~~

~~— **Law Implemented:** SDCL 49-31-3, 49-31-5, 49-31-7, 49-31-7.1.~~

20:10:30:02. Assignment. ~~The commission shall assign an N11 dialing code to an application which will provide the most direct and substantial benefits to the public if the application is complete and meets the criteria established by this chapter for the assignment of such codes. If two applications for a particular dialing code propose to provide services which the commission finds are equally beneficial to the public, the commission shall assign the N11 dialing code to the application filed earliest~~ Repealed.

Source: 21 SDR 4, effective July 17, 1994; 21 SDR 90, effective November 14, 1994.

~~—General Authority:SDCL 49-31-5.~~

~~—Law Implemented:SDCL 49-31-3, 49-31-5, 49-31-7, 49-31-7.1.~~

20:10:30:03. Application -- Contents. ~~An application filed under this chapter must contain the information and be in the form required by §20:10:24:02, except in lieu of subdivision 20:10:24:02(5) the application must include a specific description of the purpose for which the N11 code will be used~~ Repealed.

Source: 21 SDR 4, effective July 17, 1994.

~~**General Authority:** SDCL 49-31-5.~~

~~**Law Implemented:** SDCL 49-31-3, 49-31-5, 49-31-7, 49-31-7.1.~~

20:10:30:04. Financial information. ~~In addition to the financial information required by subdivision 20:10:24:02(8), the application must include a schedule showing the investment to be made in the proposed service, an estimate of expenses, and the expected revenues~~ Repealed.

Source: 21 SDR 4, effective July 17, 1994.

~~— **General Authority:** SDCL 49-31-5.~~

~~— **Law Implemented:** SDCL 49-31-3, 49-31-5, 49-31-7, 49-31-7.1.~~

20:10:30:05. Burden of proof -- Public interest -- Technical, financial, and managerial capabilities. ~~The applicant has the burden of proving in its application that the services the applicant will provide through the use of the N11 dialing code are in the public interest and that the applicant has sufficient technical, financial, and managerial capabilities to provide the services~~ Repealed.

Source: 21 SDR 4, effective July 17, 1994.

~~— **General Authority:** SDCL 49-31-5.~~

~~— **Law Implemented:** SDCL 49-31-3, 49-31-5, 49-31-7, 49-31-7.1.~~

~~— **Cross Reference:** General supervision of telecommunications companies offering common carrier services by commission where not preempted — Filing application with commission — Demonstration of capabilities — Rules — Offering services without certificate of authority as misdemeanor, SDCL 49-31-3.~~

20:10:30:06. Interim approval -- Terms and conditions. ~~The commission may assign an interim N11 dialing code to determine the feasibility of a permanent assignment of the N11 dialing code. An interim assignment is subject to the terms and conditions established by the commission after notice and opportunity for hearing~~ Repealed.

Source: 21 SDR 4, effective July 17, 1994.

~~— **General Authority:** SDCL 49-31-5.~~

~~— **Law Implemented:** SDCL 49-31-3, 49-31-5, 49-31-7, 49-31-7.1.~~

20:10:30:07. Nontransferability.~~The commission's interim approval or assignment of an N11 dialing code may not be transferred by the applicant~~ Repealed.

Source: 21 SDR 4, effective July 17, 1994.

~~— **General Authority:** SDCL 49-31-5.~~

~~— **Law Implemented:** SDCL 49-31-3, 49-31-5, 49-31-7, 49-31-7.1.~~

20:10:30:08. Termination for failure to provide service within 90 days.~~If the applicant fails to provide the service proposed in its application and to notify the commission in writing that it has begun providing the service within 90 days from the date of the commission's order granting the application, the assignment is automatically terminated and the N11 dialing code is available for reassignment. An applicant may request and the commission may, upon a showing of good cause, grant an extension of the 90-day period.~~Repealed.

Source: 21 SDR 4, effective July 17, 1994; 21 SDR 90, effective November 14, 1994.

~~— **General Authority:** SDCL 49-31-5.~~

~~— **Law Implemented:** SDCL 49-31-3, 49-31-5, 49-31-7, 49-31-7.1.~~

~~— **Cross Reference:** Scope and application, § 20:10:05:01.~~

20:10:30:09. Termination if service no longer in public interest. ~~If the commission, after notice and opportunity for hearing, determines that the service provided by the applicant pursuant to the assignment of the N11 dialing code is no longer in the public interest, the assignment is terminated as of the effective date of the commission's order and the N11 dialing code is available for reassignment~~ Repealed.

Source: 21 SDR 4, effective July 17, 1994.

~~— **General Authority:** SDCL 49-31-5.~~

~~— **Law Implemented:** SDCL 49-31-3, 49-31-5, 49-31-7, 49-31-7.1.~~

20:10:30:10. Termination for higher public interest. ~~If it becomes necessary to use an assigned N11 dialing code for an area code pursuant to a determination by the North American Numbering Plan (NANP) administrator, if the Federal Communications Commission (FCC) determines the assigned N11 dialing code is required for a national service, or if the commission determines, after notice and opportunity for hearing, that an assigned N11 dialing code is required for a higher public interest, the assignment shall terminate on the date specified in the notice from the NANP administrator or the FCC or in the commission's order~~ Repealed.

Source: 21 SDR 4, effective July 17, 1994.

~~— **General Authority:** SDCL 49-31-5.~~

~~— **Law Implemented:** SDCL 49-31-3, 49-31-5, 49-31-7, 49-31-7.1.~~

CHAPTER 20:10:31

ASSESSMENT OF FEES FOR INTRASTATE GAS PIPELINE

OPERATORS

Section

- 20:10:31:01 Definitions.
- 20:10:31:02 Scope and application.
- 20:10:31:03 Reduction of support and direct costs.
- 20:10:31:04 Assessment of direct costs.
- 20:10:31:05 Assessment of support costs.
- 20:10:31:06 Assessment of initial inspection fee, Repealed.
- 20:10:31:07 Objection to assessment.

20:10:31:06. Assessment of initial inspection fee. ~~An initial inspection fee of \$100,000 is assessed to intrastate gas pipeline operators. Intrastate distribution pipeline operators with 50 meters or less are assessed a flat fee of \$25. The remaining initial inspection fee is prorated among all intrastate gas pipeline operators using the same method used to assess support costs in § 20:10:31:05.~~ Repealed.

Source: 20 SDR 222, effective July 5, 1994.

General Authority: ~~SDCL 49-34B-20.~~

Law Implemented: ~~SDCL 49-34B-11.~~

Explanation: This rule was enacted to implement a statute passed in 1994. This rule applied to that year only and is now obsolete.

CHAPTER 20:10:32

LOCAL EXCHANGE SERVICE COMPETITION

Section

- 20:10:32:01 Definitions.
- 20:10:32:02 Certificate of authority required to provide local exchange service.
- 20:10:32:03 Certificate of authority for local exchange service -- Application requirements.
- 20:10:32:04 Notice to other local exchange carriers in proposed service area --Intervener status.
- 20:10:32:05 Opportunity for hearing -- Burden of proof.
- 20:10:32:06 Rejection of incomplete application -- Decision criteria for granting a certificate of authority.
 - 20:10:32:06.01 Performance bonds.
- 20:10:32:07 Certification subject to commission imposed terms and conditions.
- 20:10:32:08 Sale, assignment, lease, or transfer of certificate of authority.
- 20:10:32:09 Suspension or revocation of certificate of authority.
- 20:10:32:10 Service obligations of all providers -- Request for waiver.
- 20:10:32:11 Local calling scope for alternative providers.
- 20:10:32:12 Annual reporting requirements, Repealed.
- 20:10:32:13 Discontinuance of service.

20:10:32:14 Area under threat of discontinuance of service.

20:10:32:15 Rural service area -- Additional service obligations.

20:10:32:16 Good faith offering requirement.

20:10:32:17 Report of progress toward meeting service obligations.

20:10:32:18 Waiver of eligible telecommunications carrier service requirements.

20:10:32:19 Failure to meet service obligations -- Grounds for revocation of certificate.

20:10:32:20 Request for negotiations.

20:10:32:21 Submission of negotiated agreement for approval.

20:10:32:22 Submission of written comments on negotiated agreement – Submission of response.

20:10:32:23 Commission decision on negotiated agreement.

20:10:32:24 Request for mediation.

20:10:32:25 Response to request for mediation.

20:10:32:26 Mediation conducted by commission staff.

20:10:32:27 Statement of issues.

20:10:32:28 Confidentiality of mediation -- Settlement proposals.

20:10:32:29 Petition for arbitration.

20:10:32:30 Response to petition for arbitration.

20:10:32:31 Arbitration conducted as a contested case -- Prehearing conference.

20:10:32:31.01 Participation by non-parties.

20:10:32:32 Commission decision on petition for arbitration.

20:10:32:33 Commission approval of arbitrated agreement.

- 20:10:32:34 Submission of written comments on arbitration agreement -- Submission of response.
- 20:10:32:35 Commission decision on arbitrated agreement.
- 20:10:32:36 Commission decision on agreement containing both arbitrated and negotiated provisions -- Submission of separate agreements.
- 20:10:32:37 Rural exemption from negotiation and interconnection requirements.
- 20:10:32:38 Notice to commission of request.
- 20:10:32:39 Petition for suspension or modification of interconnection requirements.
- 20:10:32:40 Copy of petition to affected local service providers.
- 20:10:32:41 Timeline for reviewing petition.
- 20:10:32:42 Designation of eligible telecommunications carriers.
- 20:10:32:43 Eligible telecommunications carrier petitions.
 - 20:10:32:43.01 Demonstration of commitment to provide service.
 - 20:10:32:43.02 Submission of two-year plan.
 - 20:10:32:43.03 Demonstration of ability to remain functional in emergency situations.
 - 20:10:32:43.04 Demonstration of ability to satisfy consumer protection and service quality standards.
 - 20:10:32:43.05 Offering of comparable local usage plan, Repealed.
 - 20:10:32:43.06 Provisioning of equal access, Repealed.
 - 20:10:32:43.07 Public interest standard.
- 20:10:32:44 Existing eligible telecommunications carrier designations not affected.
- 20:10:32:45 Determining the applicable service area.
- 20:10:32:46 Copy of petition to other eligible telecommunications carriers.
- 20:10:32:47 Designation of eligible telecommunications carrier for unserved areas.
- 20:10:32:48 Relinquishment of eligible telecommunications carrier status.

- 20:10:32:49 Revocation of eligible telecommunications carrier status.
- 20:10:32:50 Monitoring of competitive local exchange services.
- 20:10:32:51 Use of universal service support.
- 20:10:32:52 Annual certification requirements for designated eligible telecommunications carriers.
- 20:10:32:53 Requirements for previously designated eligible telecommunications carriers and pending applications, Repealed.
- 20:10:32:54 Certification requirements.
- 20:10:32:55 Lifeline and link-up advertising requirements -- Annual report on outreach efforts.
- 20:10:32:56 Petition for waiver -- Granting of waiver.

20:10:32:03. Certificate of authority for local exchange service -- Application

requirements. A telecommunications company that is required by SDCL chapter 49-31 to apply to the commission for a certificate of authority for local exchange services ~~from the commission~~ shall submit a written application and provide the following information, unless the commission grants a waiver for good cause to omit a specific ~~item~~ of information:

- (1) The ~~applicant's~~ company's name, address, telephone number, ~~web page URL~~ website address, and e-mail address;
- (2) A description of the legal and organizational structure of the ~~applicant's~~ company;
- (3) The name under which the ~~applicant will~~ company is to provide local exchange services, if different than in subdivision (1) of this section;
- (4) A copy of ~~the company's~~ certificate of authority to transact business in this state from the Office of the Secretary of State;
- (5) The location of the ~~applicant's~~ company's principal office, if any, in this state and the name and address of ~~it's~~ the company's current registered agent, if applicable;
- (6) A list containing the following information about the types of services the ~~applicant~~ company seeks to offer and how the services ~~will~~ are to be provided:
 - (a) The classes of customers the ~~applicant~~ company intends to serve;
 - (b) The date the ~~applicant~~ company is to provide service and the extent to which service is to be provided through ~~the use of the applicant's~~ company's own facilities, the purchase of unbundled network elements, or resale;
 - (c) A description of all facilities that the ~~applicant shall~~ company is to utilize to furnish the proposed local exchange services, including any facilities of underlying carriers; and

- (d) The types of services the ~~applicant~~ company seeks authority to provide, with reference to the general nature of each service;
- (7) A description of the ~~applicant's~~ company's experience providing any telecommunications service in this state or in other jurisdictions, the type of service provided, and the date and nature of state or federal authorization to provide the service;
- (8) The name and address of any affiliate, parent organization, or subsidiary of the ~~applicant~~ company;
- (9) A service area map or narrative description indicating with particularity the geographic area proposed to be served by the ~~applicant~~ company;
- (10) ~~For~~ The company's balance sheets, cash flow statements, income statements, and other financial statements for the most recent twelve-month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements. The applicant shall provide audited financial statements, if available or requested by the commission;
- (11) The name, address, telephone number, and e-mail address of the ~~applicant's~~ company's representative to whom all commission inquiries must be made regarding customer complaints and other regulatory matters;
- (12) The ~~applicant's~~ company's plan to bill and collect charges from customers who subscribe to ~~its~~ the company's proposed local exchange services;
- (13) The ~~applicant's~~ company's policies relating to solicitation of new customers and a description of the efforts the ~~applicant~~ the company intends to use to prevent the unauthorized switching of local service customers by the ~~applicant~~ company, its employees, or agents;

- (14) ~~How the applicant will~~ The company's plan to make available to any person information concerning the ~~applicant's~~ company's current rates, terms, and conditions for ~~all of it's the~~ company's telecommunications services;
- (15) ~~How the applicant will notify~~ The applicant's plan for notifying a customer of any materially adverse change to any rate, term, or condition of any telecommunications service provided to the customer by the ~~applicant~~ company;
- (16) A list of the states in which the ~~applicant~~ company is registered or certified to provide telecommunications services, together with a statement ~~as to whether the applicant:~~
- (a) ~~Has~~ As to whether the company has ever been denied registration or certification in any state, and the reasons for any denial; ~~and~~
 - (b) ~~Is~~ As to whether the company is in good standing with the appropriate regulatory agency in any state where it is registered or certified; ~~;~~ and
 - (c) Providing a detailed explanation of why the ~~applicant~~ company is not in good standing in ~~a given~~ each state, ~~if~~ where applicable;
- (17) The company's federal tax identification number and South Dakota sales tax number;
- ~~(17)~~(18) A description of ~~how the applicant intends~~ the company's plan to market its local exchange services, a description of ~~its~~ the target market, a statement as to whether the ~~applicant~~ company engages in multilevel marketing, and copies of any company brochure that is to be used to assist in sale of the services;
- ~~(18)~~(19) The technical competence of the ~~applicant~~ company to provide its proposed local exchange services as shown by:

- (a) A description of the education and experience of the ~~applicant's~~ company's management personnel who ~~will~~ are to oversee the proposed local exchange services; and
- (b) Any policy, personnel decision, or arrangement made by the ~~applicant~~ company, which demonstrates the ~~applicant's~~ company's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirement;
- ~~(19)(20)~~ How the applicant is The company's plan to provide customers with access to 911 or enhanced 911, operator services, interexchange services, directory assistance, telecommunications relay services, and any other emergency service;
- ~~(20)(21)~~ The following matters associated with interconnection to provide proposed local exchange services:
- (a) The identity of all local exchange carriers with which the ~~applicant~~ company plans to interconnect;
- (b) The likely timing of initiation of interconnection service and a statement as to when negotiations for interconnection started or are likely to start; and
- (c) A copy of any request for interconnection made by the ~~applicant~~ company to any local exchange carrier;
- ~~(21)(22)~~ If the ~~applicant~~ company is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the ~~applicant~~ company expects to meet the service obligations imposed pursuant to § 20:10:32:15 and the ~~applicant's~~ company's plan for meeting the service obligations;
- ~~(22)(23)~~ A written request for waiver of any rule believed to be inapplicable; ~~and~~

(24) The number and nature of complaints with any state or federal regulatory commission regarding unauthorized switching of a customer's telecommunications provider or the act of charging customers for services that have not been ordered; and

~~(23)~~(25) Other information requested by the commission ~~needed~~ which is necessary to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the proposed local exchange services ~~it intends to offer consistent in compliance~~ with the requirements of this chapter and other applicable rules and laws.

The commission may require ~~the production of audited financial statements and~~ additional information to supplement the information contained in the application. ~~A~~ The company shall notify the commission of any change in information provided pursuant to subdivisions (1), (3), (4), and (11) of this section as the change occurs.

Source: 25 SDR 89, effective December 27, 1998; 26 SDR 110, effective March 7, 2000; 34 SDR 67, effective September 11, 2007; 52 SDR 32, effective September 29, 2025.

General Authority: SDCL 49-31-3, 49-31-5, 49-31-7.1, 49-31-76, 49-31-77, 49-31-85, 49-31-89.

Law Implemented: SDCL 49-31-3, 49-31-12.7, 49-31-69, 49-31-70, 49-31-71, 49-31-76, 49-31-85, 19-31-89.

Explanation: The amendment proposed to this rule adds back in the tax identification number requirement, which was inadvertently removed in last year's rulemaking. Other changes are LRC style and form suggestions.

20:10:32:12. Annual reporting requirements. ~~After a telecommunications company has received a certificate of authority to provide local exchange services from the commission, the company shall submit to the commission by June first of each year thereafter a report of its annual revenues from the preceding year resulting from operations in this state~~ Repealed.

Source: 25 SDR 89, effective December 27, 1998; 52 SDR 32, effective September 29, 2025.

~~—**General Authority:** SDCL 49-31-76.~~

~~—**Law Implemented:** SDCL 49-31-3, 49-31-71, 49-31-76.~~

Explanation: This rule was amended in 2025 to remove other requirements. Upon further review, this requirement should also have been repealed. The annual report required by this rule is not the annual report required for gross receipts tax purposes. Companies will still need to file their report for gross receipts tax.

20:10:33:27. Reporting requirements when 911 service is disrupted or impaired.

~~Each local exchange company shall, immediately upon discovery of an unplanned outage on a facility that is owned, operated, leased, or utilized by the local exchange company, report to each 911 public safety answering point serving the affected local service area, to the local area broadcast media serving the affected local service area, and to the commission. The report shall contain pertinent information concerning any occurrence or development that disrupts or impairs the local service area's access to the 911 service within a given 911 system. In addition, each local exchange company shall provide the public safety answering point, the local area news media, and the commission with a time estimation on when the repair to the 911 system is to be completed and the 911 service restored~~ A telecommunications provider shall electronically file a report with the commission pertaining to any outage, as defined in 47 C.F.R. § 4.5 (January 16, 2024), which meets the outage reporting threshold criteria as described in 47 C.F.R. §§ 4.7 & 4.9 (January 16, 2024). The report to the commission must contain all information set forth in 47 C.F.R. § 4.11 (January 16, 2024).

Source: 25 SDR 89, effective December 27, 1998; 52 SDR 32, effective September 29, 2025.

General Authority: SDCL 49-31-3, 49-31-77, 49-31-85.

Law Implemented: SDCL 49-31-3, ~~49-31-77~~, 49-31-85.

Explanation: This amendment was brought at industry's request in order to align reporting requirements with the language used for FCC reporting requirements.

CHAPTER 20:10:33

SERVICE STANDARDS FOR TELECOMMUNICATIONS COMPANIES

Section

- 20:10:33:01 Definitions.
- 20:10:33:02 Level of service provided by local exchange companies.
- 20:10:33:03 Level of service applicable to all subscribers within an exchange.
- 20:10:33:04 Minimum requirements for new or replaced switching systems.
- 20:10:33:05 Minimum requirements for channel capacity.
- 20:10:33:06 Minimum levels of trunking facilities provided by interexchange companies.
- 20:10:33:07 Requirements for good engineering practices.
- 20:10:33:08 Requirement for sufficient equipment and adequate personnel.
- 20:10:33:09 Required documentation to show sufficient equipment and adequate personnel.
- 20:10:33:10 Assignment of facilities.
- 20:10:33:11 Charges for construction of facilities. 20:10:33:12 Records of tests and inspections.
- 20:10:33:13 Provisioning of adequate and reliable facilities.
- 20:10:33:14 Program required for testing, inspecting, and maintenance.
- 20:10:33:15 Repair of plant and equipment.
- 20:10:33:16 Leakage, loop resistance, and transmission tests.

- 20:10:33:17 Emergency planning.
- 20:10:33:18 Plan required to deal with loss of switch.
- 20:10:33:19 Auxiliary and battery power requirements.
- 20:10:33:20 Central office alarms.
- 20:10:33:21 Prevention of access line service interruptions -- Reestablishment of service --
Priority given to customers with medical condition and certain entities.
- 20:10:33:22 Maintenance service interruptions -- Notification.
- 20:10:33:23 Records of access line service interruptions.
- 20:10:33:24 Reporting of trouble reports.
- 20:10:33:25 Customer trouble reports.
- 20:10:33:26 Record of trouble reports.
- 20:10:33:27 Reporting requirements when 911 service is disrupted or impaired.
- 20:10:33:28 Reporting of service disruption or impairment, Repealed.
- 20:10:33:29 Standards applicable under normal operating conditions.
- 20:10:33:30 Petition for waiver -- Granting of waiver.
- 20:10:33:31 Failure to pay for services other than local exchange services not grounds to
terminate local exchange service.
- 20:10:33:32 Exemption from providing local exchange service when toll services terminated.

20:10:33:28. Reporting of service disruption or impairment. ~~Each local exchange company shall, within one hour of discovery, report to the local area broadcast media serving the affected local serving areas and to the commission, pertinent information concerning any specific occurrence or development which disrupts or impairs the telecommunications service of the smaller of 25 percent or 750 or more customers in a local exchange area for a time period in excess of one hour. Notification is also required for complete switching system failures, isolation of remote switching modules from their host, or major service disruptions due to interoffice failures.~~ Repealed.

Source: 25 SDR 89, effective December 27, 1998.

General Authority: ~~SDCL 49-31-77, 49-31-85.~~

Law Implemented: ~~SDCL 49-31-3, 49-31-77, 49-31-85.~~

Explanation: This repeal was suggested by industry, as the amended language of ARSD 20:10:33:27 would make this rule redundant.

CHAPTER 20:10:37

PIPELINE SAFETY RULES

Section

- 20:10:37:01 Definitions.
- 20:10:37:02 Scope and application.
- 20:10:37:03 Applicability of procedural rules.
- 20:10:37:04 Inspections.
- 20:10:37:05 Pipeline operator's obligations.
- 20:10:37:06 Inspector's reporting requirements.
- 20:10:37:07 Pipeline operator's receipt of the inspector report.
- 20:10:37:08 Probable non-compliance inspection results.
- 20:10:37:09 Pipeline operator's inspection response.
- 20:10:37:10 Pipeline operator's incident reporting requirements.
- 20:10:37:11 Inspector's incident investigation.
- 20:10:37:12 Post-incident investigation meeting.
- 20:10:37:13 Incident report.
- 20:10:37:14 Pipeline operator's obligations upon completion of inspector's incident report.
- 20:10:37:15 Pipeline operator's failure to reply.

20:10:37:16 Request for hearing.

20:10:37:17 Change of ownership.

20:10:37:18 Notice requirements for transmission line construction.

20:10:37:18.01 Notice requirements for liquid natural gas facility construction.

20:10:37:19 Annual report.

20:10:37:18. Notice requirements for transmission line construction.~~Each~~ A transmission pipeline operator within the jurisdiction of the commission's pipeline safety program shall, prior to the construction of a new transmission line, or a relocation or replacement of a transmission line as defined in 49 C.F.R. Part 192 (July 1, 2023):

(1) ~~Submit the information below~~ to the commission's pipeline safety program ~~no later than, at least~~ sixty days prior to the commencement of construction, relocation, or replacement of a pipeline, a notice containing:

- (a) ~~Pipeline~~ The operator's name, telephone number, and mailing address;
- (b) ~~Estimated~~ The estimated dates construction is scheduled will to begin and end;
- (c) ~~Map~~ A map showing the location and proposed route of the pipeline;
- (d) ~~Identified~~ Any identified gas transmission Integrity Management Program high consequence area, if applicable;
- (e) ~~Proposed steel pipeline specifications, including~~ The proposed size, weight, grade, wall thickness, ~~and coating, and any other specification pertaining to pipeline;~~
- (f) ~~Proposed plastic pipe specifications, including~~ The proposed size and, ~~Standard~~ Dimension Ratio standard dimension ratio, and any other specification pertaining to plastic pipe;
- (g) ~~Proposed~~ The proposed design and maximum allowable operating pressure of the pipeline;
- (h) ~~Pressure~~ The pressure test procedures and method of pressure ~~test~~ testing the pipeline prior to operations;
- (i) ~~Proposed~~ The proposed type of cathodic protection for the pipeline;

- (j) ~~Minimum~~ The minimum burial depths of the pipeline at time of construction;
 - (k) ~~Proposed~~ The proposed location and type of pipeline safety equipment for the pipeline;
 - (l) ~~Proposed~~ The proposed type of highway and water crossing for the pipeline, ~~such as whether it will be bored and cased, bored only, or trenched~~;
 - (m) ~~Written~~ The operator's written construction procedures; and
 - (n) ~~Name~~ The name of the construction company, if known at the time of filing the ~~Notice~~ notice; ~~and~~
 - (o) ~~Pipeline operator's contact name and phone number~~;
- (2) In the event of an emergency, as defined in the ~~pipeline~~ operator's operations manual, give telephonic notice ~~of emergency construction, relocation, or replacement~~ to the commission's pipeline safety program manager of any emergency pipeline construction, relocation, or replacement;
- (3) Submit significant construction modifications of the pipeline to the pipeline safety program manager on an ongoing basis; and
- (4) Submit ~~the information below~~ to the commission's pipeline safety program ~~no later than~~, at least sixty days prior to the commencement of the pipeline's operation, the operator's:
- (a) Operation and maintenance manual;
 - (b) Emergency procedures;
 - (c) Anti-drug and alcohol plan;
 - (d) Public ~~Awareness~~ awareness plan;

- (e) Damage prevention program;
- (f) Abnormal operations procedures;
- (g) ~~Operator's qualification plan~~ Qualification program; and
- (h) Integrity ~~Management Plan~~ management plan.

Source: 36 SDR 57, effective October 19, 2009; 47 SDR 125, effective May 30, 2021; 50 SDR 125, effective May 6, 2024.

General Authority: SDCL 49-34B-4, 49-34B-6, 49-34B-19.

Law Implemented: SDCL 49-34B-3, 49-34B-4, 49-34B-8, 49-34B-19, 49-34B-27.

Explanation: In order to provide more clarity, references to information needing to be sent to the “pipeline safety program” were changed to “pipeline safety program manager”. LRC noted several items which are not proper nouns and should not have been capitalized. All revisions were reviewed with Mary Zanter and determined to be acceptable and accurate.

20:10:37:18.01. Notice requirements for liquid natural gas facility construction. An operator of a liquified natural gas pipeline facility that qualifies as a gas pipeline, as defined in SDCL 49-34B-1, shall:

(1) Submit to the commission's pipeline safety program manager, at least sixty days prior to the commencement of construction, relocation, or replacement, a notice containing:

(a) The operator's name, mailing address, and telephone number;

(b) The dates on which construction is scheduled to begin and end;

(c) The type and purpose of the pipeline;

(d) A map showing the location of the pipeline;

(e) The proposed specifications;

(f) The proposed design and maximum allowable operating pressure of the facility;

(g) The pressure test procedures and method of pressure test prior to operations;

(h) The proposed type of cathodic protection;

(i) The proposed location and type of safety equipment;

(j) The operator's written construction procedures;

(k) The name of construction company, if known at the time of filing the notice;

(l) Storage tank specifications;

(n) Thermal radiation protection specifications;

(o) Flammable vapor-gas dispersion protection parameters;

(p) Structural specifications; and

(q) The control center location;

(2) In the event of an emergency, as defined in the operator's operations manual, give telephonic notice to the commission's pipeline safety program manager of any emergency construction, relocation, or replacement;

(3) Submit significant construction modifications to the pipeline safety program manager; and

(4) Submit to the commission's pipeline safety program manager, at least sixty days prior to the commencement of operation, the operator's:

(a) Operation and maintenance manual;

(b) Emergency procedures;

(c) Anti-drug and alcohol plan; and

(d) Qualification program.

Source:

General Authority: SDCL 49-34B-4, 49-34B-6, 49-34B-19.

Law Implemented: SDCL 49-34B-3, 49-34B-4, 49-34B-8, 49-34B-19, 49-34B-27.

Explanation: In order to provide more clarity, references to information needing to be sent to the “pipeline safety program” were changed to “pipeline safety program manager”. LRC noted that this rule referred to “facilities”, however 49-34B classified LNG as pipeline and uses the term “pipelines”. Because statute deems these to be “pipelines”, that change was made throughout. All revisions were reviewed with Mary Zanter and determined to be acceptable and accurate.