

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**ESTABLISHMENT OF THE GROSS)
RECIPTS TAX LEVY FOR FISCAL YEAR)
2013)
)**

**ORDER APPROVING GROSS)
RECEIPTS TAX LEVY)
)
)**

AA12-001

SDCL Chapter 49-1A establishes the South Dakota Public Utilities Commission Gross Receipts Tax Fund. This Fund is financed by assessing a tax on the annual intrastate gross receipts received by a utility. The Fund is used by the Commission to defray regulatory expenses related to the regulation of telecommunications, electricity and natural gas. On April 1 of each year, each utility and telecommunications company doing business in South Dakota is required pursuant to SDCL 49-1A-4 to file with the Commission, on forms provided by the Commission, the amount of gross receipts derived from customers within South Dakota during the preceding calendar year. The report must be sworn to and verified by an officer of the company. SDCL 49-1A-4 further provides that the Commission shall, by order, establish the rate and assess the tax authorized in SDCL 49-1A-3 which, together with any funds remaining from the current fiscal year and the two hundred fifty dollar minimum gross receipt tax, will fund the Commission's budget for the next fiscal year and provide a contingency reserve in an amount not to exceed the prior year's budget. In accordance with SDCL 49-1A-5, the tax is due and payable on July 15 of each year.

At its regularly scheduled meeting on April 24, 2012, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-1A. The Commission voted unanimously to establish the rate of .15% or \$250, whichever is greater, and to assess the tax.

ORDERED, that by May 1, 2012, the Commission shall assess on each public utility and telecommunications company a tax for Fiscal Year 2013 equal to .15% of the company's calendar year 2011 intrastate gross receipts or \$250, whichever is greater. The tax shall be paid on or before July 15, 2012.

Dated at Pierre, South Dakota, this 26th day of April, 2012.

CERTIFICATE OF SERVICE
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.
By: <u>[Signature]</u>
Date: <u>April 26, 2012</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

[Signature]
CHRIS NELSON, Chairman

[Signature]
KRISTIE FIEGEN, Commission

[Signature]
GARY HANSON, Commission