

Natural Gas Orders - Issued 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

**IN THE MATTER OF THE COMPLAINT FILED BY PAM NATURAL GAS) NOTICE OF
AGAINST MIDAMERICAN ENERGY COMPANY REGARDING PGA) HEARING
FACTORS)
NG96-016
)**

On July 8, 1996, the Public Utilities Commission (Commission) received a complaint against MidAmerican Energy Company (MidAmerican) from PAM Natural Gas (PNG) regarding PGA factors. Also on July 8, 1996, PNG filed a request with the Commission to receive all underlying workpapers of MidAmerican's June PGA filing which were submitted as confidential.

On July 30, 1996, a regularly scheduled meeting, the Commission deferred action in this matter at the request of the parties. On November 1, 1996, a regularly scheduled meeting, the Commission considered the complaint. The Commission voted to defer action in this matter in order to allow the parties to review MidAmerican's proposal. [Commissioner Schoenfelder dissenting.] PNG had also requested that they be allowed to receive MidAmerican's workpapers that are filed under confidential seal with the Commission. The Commission unanimously voted to establish a procedural schedule for a hearing on PNG's request for confidential information. On December 31, 1996, a duly noticed meeting, the Commission voted to not find probable cause, to dismiss the complaint and to close the complaint portion of the docket.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A, and ARSD 20:10:01:39 through 20:10:01:44, inclusive.

The issue at the hearing is whether the Commission shall grant MidAmerican's request to treat workpapers underlying the June PGA as confidential.

A hearing shall be held at 1:30 p.m. on Wednesday, February 12, 1997, in the Conference Room of the State Motel, Pierre, SD. The hearing is open to the public. It shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. The Commission's decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is

therefore

ORDERED, that the hearing shall be held at 1:30 p.m. on Wednesday, February 12, 1997, in the Conference Room of the State Motel, Pierre, SD.

Dated at Pierre, South Dakota, this 22nd day of January, 1997.

CERTIFICATE OF SERVICE

**BY ORDER OF THE
COMMISSION:**

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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

Commissioners Burg, Nelson and
Schoenfelder

By: _____

Date: _____

WILLIAM BULLARD, JR.

(OFFICIAL SEAL)

Executive Director

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