

specifically SDCL 49-34A-4(10), 49-34A-26 and 49-34A-72.

Further, the Commission finds that the requested waiver of Section 5(a)(3) of MDU's PGA tariff and the disbursement of the cash refund to South Dakota customers is just and reasonable and shall be approved. Further, the Commission finds that MDU's recovery of actual out-of-pocket expenses estimated to be twenty thousand five hundred dollars is reasonable, subject to submission of verified refund reports to the Commission, one of which is to be filed with the Commission within 90 days after the refund is made and another at the time unclaimed refunds are forwarded to the Treasurer of the State of South Dakota in accordance with abandoned property laws of the state of South Dakota. Also, the Commission's expenses, totalling \$136,104.72, shall be assessed to MDU, to be applied against the South Dakota portion of the refund MDU received from Williston. It is therefore

ORDERED, that Section 5(a)(3) of MDU's PGA tariff is hereby waived and MDU shall make distribution of a cash refund to all South Dakota customers who took gas sales service during the most recent twelve month period prior to the refund, excluding MDU's East River territory; and it is

FURTHER ORDERED, that MDU is hereby authorized to deduc actual out-of- pocket expenses, which are estimated to be twenty thousand five hundred dollars, from the refund due South Dakota customers, subject to submission of verified refund reports to the Commission, one of which is to be filed with the Commission within 90 days after the refund is made and another at the time unclaimed refunds are forwarded to the Treasurer of the State of South Dakota; and it is

FURTHER ORDERED, that MDU shall reimburse the Commission for its litigation expenses pertaining to Williston's FERC dockets in the amount of \$136,104.72, which shall be recovered from the South Dakota portion of the refund MDU received from Williston; and it is

FURTHER ORDERED, that MDU shall submit the letter of explanation which is to be mailed with the refund, to the Commission's Executive Director for approval prior to its dispatch.

Dated at Pierre, South Dakota, this 24th day of December, 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.

JAMES A. BURG, Chairman

By: _____

PAM NELSON, Commissioner

Date: _____

LASKA SCHOENFELDER,
Commissioner

(OFFICIAL SEAL)

[CC99orders/includepgs/bottomlinks_insidepg.htm]