

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

IN THE MATTER OF COMMISSION)	ORDER DENYING MOTION TO
STAFF'S PETITION FOR DECLARATORY)	REOPEN THE RECORD, TAKE
RULING REGARDING FARM TAP)	JUDICIAL NOTICE AND
CUSTOMERS)	CORRECT THE RECORD
)	
)	NG16-014

On November 9, 2016, the South Dakota Public Utilities Commission Staff filed a petition with the South Dakota Public Utilities Commission for a declaratory ruling to resolve the following issues: 1) Does the Commission have jurisdiction over any utility providing natural gas to farm tap customers taking natural gas from the transmission line owned and operated by Northern Natural Gas Company (Northern)? 2) If so, which entity, NorthWestern Corporation dba NorthWestern Energy (NorthWestern) or Northern, if either, is a public utility as defined by SDCL Chapter 49 with respect to these farm tap customers? 3) Are the farm taps in whole or in part subject to state jurisdiction for the purpose of pipeline safety pursuant to SDCL Chapter 49-34B?

On November 10, 2016, the Commission electronically transmitted notice of the filing and the intervention deadline of November 21, 2016, to interested individuals and entities on the Commission's PUC Weekly Filings listserv. On November 23, 2016, the Commission issued an Order Granting Intervention, granting intervention to Northern, NorthWestern, and Montana-Dakota Utilities. The Commission issued an Order for and Notice of Hearing on November 30, 2016. The hearing was held as scheduled on December 14, 2016.

On December 23, 2016, Northern filed a Motion to Reopen the Record, Take Judicial Notice and Correct the Record (Motion) requesting the Commission:

1. Reopen the record in NG16-014.
2. Take judicial notice of the recorded transcript of the March 8, 2011, hearing before the Commission in Docket NG11-001.
3. Enter a finding in this proceeding that Northern does not have an obligation to provide public utility service to the farm tap customers after December 31, 2017, and that any contrary finding in Docket NG11-001 be vacated.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 19-19-201, and 49-34A, and ARSD 20:10:01:27.01, 20:10:01:30.01, 20:10:01:34, and 20:10:01:35. The Commission may rely upon any or all of these or other laws of this state in making its determination.

At its regularly scheduled meeting on January 17, 2017, the Commission considered the Motion. After considering the arguments of the parties, the Commission voted to deny the Motion.

It is therefore

ORDERED, that Northern's Motion to Reopen the Record, Take Judicial Notice and Correct the Record is denied.

Dated at Pierre, South Dakota, this 19th day of January, 2017.

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 or by mail.
By: <u>Adam Dettweck</u>
Date: <u>1/19/17</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner