



Chris Nelson, Chairman  
Kristie Fiegen, Vice Chairperson  
Gary Hanson, Commissioner

*South Dakota*

**PUBLIC UTILITIES COMMISSION**

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Dear Mr. Schumacher, Mr. McCulloch, and Ms. Pollman Rogers,

This is in response to your request for a declaratory ruling regarding SDCL 49-34A-57, Mr. Schumacher.

The commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26-15 and 49-1-11(5). ARSD 20:10:01:34 and 20:10:01:35 are the commission's rules guiding this administrative action. The commission may request further information from the petitioner or issue a declaratory ruling based on the petition's contents as presented within 60 days of the filing.

The petition for a declaratory ruling does not require your answer or a petition to intervene, Mr. McCulloch and Ms. Pollman Rogers. ARSD 20:10:01:34, ARSD 20:10:01:35, and current commission procedure for handling declaratory rulings limits the matter to the petitioner: "**Any person wishing the commission to issue its ruling as to the applicability to that person of any statutory provision or rule or order of the commission may file with the commission a petition for declaratory ruling.**" However, the commission welcomes your comments and they may be used in requesting "**from petitioner further information.**"

Your answer and request for intervention will be filed and posted in the public comment portion of the website.

If you are ultimately dissatisfied with any declaratory ruling the commission issues in EL21-022, or if you are seeking or ready to proceed with a contested case in this matter, please pursue an original action in court or utilize the commission's complaint process. You may also seek your own declaratory ruling under any set of facts that you wish to present pursuant to ARSD 20:10:01:34.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patricia Van Gerpen", with a large, decorative flourish at the end.

Patricia Van Gerpen  
Executive Director