DEFORE THE PUBLIC UTILITES COMMISSON OF THE STATE OF SOUTH DAKOTA

N REGARDS TO:)	
)	Docket No. NG23-XXX
A request by NorthWestern Corporation d/b/a)	
NorthWestern Energy for a partial waiver from)	
South Dakota Administrative Rule 20:10:37:18(1).)	

Pursuant to SDCL § 49-34B-24, NorthWestern Corporation d/b/a NorthWestern Energy ("NorthWestern") respectfully requests a partial waiver from South Dakota Administrative Rule 20:10:37:18(1). Specifically, NorthWestern seeks a waiver of the requirement to submit the required information under the administrative rule at least 60 days prior to the commencement of construction, relocation, or replacement of a transmission pipeline for three Renewable Natural Gas (RNG) projects involving bio gas from dairy farms:

- 1. Mill Valley (Grant County, SD);
- 2. Brookings Receipt Station (Brookings, SD); and
- 3. Full Circle (Tuner County, SD).

NorthWestern complies with and makes available all requested information in Administrative Rule 20:10:37:18 to the South Dakota Public Utilities Commission's pipeline safety program in a separate communication with the Commission's pipeline safety program staff. NorthWestern is regretfully outside the 60 day notice window set forth in the administrative rule. While NorthWestern is outside that notice window, given that NorthWestern has provided the Commission with the requested information and based on the information provided below, the Commission may grant a waiver of the 60 day notice requirement as it is not inconsistent with pipeline safety. See SDCL § 49-34B-24.

Throughout the inception of these projects NorthWestern has verbally and face-to-face communicated overall construction and projects concepts on several occasions with South

Dakota Pipeline Safety Program Manager, Mary Zanter. The requirement outlined in Administrative Rule 20:10:37:18 is specific to Transmission facilities which NorthWestern was aware. However, given the unique attributes of the RNG projects, NorthWestern was unaware these requirements pertained to the three projects above for plastic pipe (Mill Valley and Full Circle) and pipeline connection (Brookings Receipt Station).

By 49 C.F.R. pt.192 definition, all three facilities are distribution. However, NorthWestern still has yet to determine how Northwestern will operate the pipeline when fully commissioned. As such, NorthWestern is constructing the three facilities noted above to the Federal Safety Standard in 49 C.F.R. pt.192 for Transmission specifications. The 49 C.F.R. pt.192 transmission construction specifications are more stringent than 49 C.F.R. pt.192 distribution construction requirements. By constructing to the more stringent standard in this initial phase, it provides NorthWestern additional flexibility in this realm of construction of RNG facilities.

Based on the foregoing as well as the information provided separately, NorthWestern requests a waiver of the requirement to provide the required information 60 days in advance of construction, relocation, and replacement.

Dated this 6th day of June, 2023.

NorthWestern Corporation d/b/a NorthWestern Energy

Bv:

Pamela A. Bonrud

Director Government & Regulatory Affairs NorthWestern Energy 3010 W. 69th Street

Sioux Falls, SD 57108