

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 413, 4th floor, State Capitol, Pierre, South Dakota, on November 9, 2011, at 9:00 a.m., to consider the adoption and amendment of proposed rules numbered

20:10:22:05, 20:10:36:02, 20:10:17:06, 20:10:17:07, 20:10:17:08, 20:10:17:09, 20:10:17:09.01, 20:10:17:09.02, and 20:10:38:01 to 20:10:38:07, inclusive.

Rule 20:10:22:05 concerns the application contents for a facility siting permit. The effect of the changes is to correct the statutory citations contained in the rule. The reason for the changes is that the statutes have been changed since the time the rule was originally written and the citations were no longer accurate. Rule 20:10:36:02 lists the definitions for the small generator interconnection rules. Only one change is being made to this rule and the effect of the change is to correct an error by changing a statutory citation from SDCL 49-34B-1 to SDCL 49-34A-1. The reason is to cite to the correct statute.

Rules 20:10:17:06 through 20:10:17:09.02 are existing gas and electric customer billing rules and apply to investor-owned gas and electric utilities. For rules 20:10:17:06 and 20:10:17:07, the effect of the changes is to revise how refunds and charges are calculated and assessed for gas or electric meters that are running either slow or fast. The changes limit charges to a residential customer for a slow meter to not more than one year and, if the date of the error cannot be determined with reasonable certainty, set the limit for refunds or charges to one year for all customers. The reason for the changes is to limit the liability of a residential customer for charges for a slow electric or gas meter when the date of the meter error can be determined in order to not cause undue financial hardship to the residential customer, and, when the date of the error cannot be determined, to allow refunds and charges for one year. For rule 20:10:17:08, the effect of the change is to limit charges for residential customers for meters that do not register properly. The charge may not exceed one year for residential customers. The reason for the change is to limit the liability of a residential customer to not more than one year for meters not registering properly. For 20:10:17:09, the effect of the changes is to revise how refunds and charges are calculated and assessed for other types of electric or gas meter errors. The changes limit charges to a residential customer for other types of meter errors to not more than one year and, if the date of the error cannot be determined with reasonable certainty, set the limit for refunds or charges to one year for all customers. The reason for the changes is to limit the liability of a residential customer for charges for other meter errors when the date of the meter error can be determined in order to not cause undue financial hardship to the residential customer, and, when the date of the error cannot be determined, to allow refunds and charges for one year.

For rule 20:10:17:09.01, the effect of the proposed rule is to set timeframes for overcharge or undercharge payments. A utility shall refund an overcharge within thirty days of the overcharge determination. A customer may pay an undercharge within a certain time period unless the customer wants a shorter time period or the customer and utility agree on a longer repayment timeframe. The reason for the rule is to make it clear when overcharges and undercharges must be refunded or paid and to allow the customer some time to pay back undercharges for meter errors. For rule 20:10:17:09.02, the effect of the proposed rule is to allow a utility to create a regulatory asset for amounts not otherwise recovered from a residential customer for meter errors. The reason for the rule is to allow a utility the opportunity to collect for unpaid electricity or gas caused by meter errors.

Rules 20:10:38:01 to 20:10:38:07 comprise a new chapter of rules involving renewable energy credits and renewably, recycled, and conserved energy. For rule 20:10:38:01, the effect of the proposed rule is to set forth the definitions for a new chapter of rules regarding renewable energy credits and renewable, recycled, and conserved energy. The reason for the rule is to define the terms used in chapter 20:10:38 such as conserved energy, demand response, and energy efficiency. For rule 20:10:38:02, the effect of the proposed rule is to state the applicability of the proposed rules. The reason for the rule is to make clear who the rules apply to and for what purposes.

Rules 20:10:38:03 to 20:10:38:05 regard the measurement and verification of energy efficiency measures. The effect of these proposed rules is to set forth how a retail provider of electricity shall determine the amount of conserved energy achieved through energy efficiency measures. The rules allow a retail provider to use a measured savings approach and a deemed savings approach for projects that involve simple energy efficiency measures with documented per measure values. The reason for these rules is to prescribe the methods for the measurement and reporting of energy efficiency measures for the purpose of achieving the state's renewable energy objective.

Rule 20:10:38:06 regards the measurement and verification of demand response measures. The effect of the proposed rule is to describe how demand response measures are to be measured and verified. The reason for these rules is to prescribe the methods for the measurement and reporting of demand response measures for the purpose of achieving the state's renewable energy objective.

Rule 20:10:38:07 regards the reporting of renewable energy credits. The effect of the proposed rule is to set forth how a provider of electricity shall report renewable energy credits to the Public Utilities Commission. The reason for the rule is to provide the Commission with information as to how renewable energy credits are retired to meet the state's renewable energy objective and to meet renewable energy objectives or standards in other states.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-1234. Material sent by mail must reach the Public Utilities Commission by November 21, 2011, to be considered.

After the hearing, the Commission will consider all written and oral comments it receives on the proposed rules. The Commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605)773-3201.

Copies of the proposed rules may be obtained without charge from the

Public Utilities Commission
State Capitol
500 East Capitol
Pierre, South Dakota 57501-1234

The proposed rules may also be found on the Public Utilities Commission's home page at the following address:

<http://puc.sd.gov/Dockets/Rulemaking/2011/rm11-001.aspx>

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