

SMALL BUSINESS IMPACT STATEMENT FORM

See SDCL 1-26-2.1

(NOTE: This form must be signed by either the head of the agency or the presiding officer of the board or commission empowered to adopt the rules. Check your statutes to see who is authorized to promulgate rules. A small business is defined as any business with 25 or fewer full-time employees. When a set of rules is proposed, a general summary shall be provided; each proposed rule amendment shall also be explained thoroughly. In the case of a large set of proposed rules which all have a single purpose and impact, one explanation is sufficient. The law makes it clear that agencies or commissions shall use readily available information and existing resources to prepare the impact statement.)

1. Our agency has determined that the rule/s we are proposing have the following type of impact on small businesses:
 - Direct impact *(please complete remainder of form)*
 - Indirect impact *(please provide a brief explanation, then sign, date, and submit form. Questions 2 through 8 do not need to be answered)*
 - No impact *(please provide a brief explanation, sign, date, and submit form - Questions 2 through 8 do not need to be answered)*

2. A general narrative and overview of the effect of the rule(s) on small business - written in plain, easy to read language:

Stray electrical current and voltage remediation laws went into effect on July 1, 2015. See SDCL chapter 49-47. These laws set forth the procedures that are to be followed by dairy producers and electric utilities when a dairy producer believes the producer's dairy cows are being affected by electrical energy attributable to an electric utility. SDCL 49-47-2 requires the Public Utilities Commission (Commission) to set rules regarding stray voltage. Small businesses that are affected by these rules include the electric utilities and dairies that meet the definition of a small business. The proposed rules standardize the measurement and testing procedures used by an electric utility to measure stray current or voltage in dairies. A dairy producer can request that the producer's electric utility conduct testing. The testing determines whether there is stray current or voltage in a dairy and, if there is, whether the electric utility's system is contributing to the stray current or voltage. The rules set forth the types of tests that are required and the equipment that is used for the measuring and testing of stray voltage or current. The testing is required to be conducted by a qualified testing professional and the results of the tests are analyzed by a qualified testing analyst. The qualified analyst then prepares a written report that analyzes the results obtained from the tests. If remediation is required pursuant to SDCL 49-47-3, the report specifies the actions that need to be taken. The report is provided to the dairy producer.

3. What is the basis for the enactment of the rules(s)?
 - Required to meet changes in federal law
 - Required to meet changes in state law
 - Required solely due to changes in date (i.e. must be changed annually)Other: _____

4. Why is the rule(s) needed?

The Commission is required to promulgate rules regarding stray electrical current and voltage pursuant to SDCL 49-47-2.

5. What small businesses or types of small businesses would be subject to the rule?

Small businesses subject to the rules can include electric utilities and dairy producers.

6. Estimate the number of small businesses that would be subject to the rule.

- 1-99 100-499 500-999 1,000-4,999 More than 5,000
 Unknown - please explain _____

7. Are small businesses required to file or maintain any reports or records under this rule?

- Yes No

a. If "yes," how many reports must a small business submit to the state on an annual basis?

No reports to the state are required.

b. If "yes," how much ongoing recordkeeping within the business is necessary?

An electric utility is required to complete a written report of the testing performed and an analysis of the data and provide it to the dairy producer.

c. If "yes," what type of professional skills would be necessary to prepare the reports or records?

- The average owner of a small business should be able to complete the reports and/or records with no assistance
 It is likely that a bookkeeper for a small business should be able to complete the reports and/or records
 It is likely that a small business person would need the assistance of a CPA to complete the reports and/or records
 It is likely that a small business person would need the assistance of an attorney to complete the reports and/or records
 Other

An electric utility is required to have the report done and analyzed by a qualified testing professional and analyst.

- Unknown - please explain _____

8. Are there any less intrusive or less costly methods to achieve the purpose of the rule (i.e. fewer reports, less recordkeeping, lower penalties)?

No - please explain

The Commission is required by state law to promulgate these rules and the rules address the requirements of the state law. The rules set forth the testing requirements and the written report requirement is needed to inform dairy producers of the testing results.

Yes - please explain _____

2-26-16

Dated



Authorized Signature

Public Utilities Commission

Name of Agency