**20:10:36:41.  Tier 2 application denial.** If the small generator facility's tier 2 application is not approved, the applicant may submit a new application, including the difference in the application fee or deposit, for consideration under tier 3 or tier 4 procedures without losing its original queue position. The new application must be submitted within 15 business days of notice that the application was not approved. If requested, the public utility shall provide a written explanation of why the application was not approved.

 **Source:** 35 SDR 305, effective July 1, 2009.

 **General Authority:** SDCL 49-34A-27, 49-34A-93.

 **Law Implemented:** SDCL 49-34A-27, 49-34A-93.