

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

400P0198

## SENATE BILL NO. 39

Introduced by: The Committee on Commerce at the request of the Public Utilities Commission

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the suspension,  
2 implementation, and refund of electric or natural gas rates.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 49-34A-14 be amended to read as follows:

5 49-34A-14. Pending a hearing pursuant to § 49-34A-13 and the decision thereon, the Public  
6 Utilities Commission, upon filing with the schedule of rates and delivering to the affected utility  
7 a statement in writing of its reasons therefor at any time before they become effective,  
8 commission may, by order, suspend the operation of the ~~schedule but not for a longer period~~  
9 proposed rate or practice. The suspension may not last longer than ninety one hundred eighty  
10 ~~days beyond the time when the schedule of rates would otherwise go into effect unless the~~  
11 ~~commission shall find that a longer time will be required, in which case the commission may~~  
12 ~~further extend the period for not to exceed a total of twelve months~~ after the proposed rate or  
13 practice was filed.

14 Section 2. That § 49-34A-17 be amended to read as follows:

15 49-34A-17. ~~If the proceeding has not been concluded and an order made at the expiration~~



1 ~~of six months after the proposed change of rate was filed, the proposed change of rate, charge,~~  
2 ~~classification, or service shall go into effect at the end of such period, but in~~ The public utility  
3 may implement the proposed rate or practice if:

4 (1) The proposed rate or practice has not been suspended or is no longer subject to  
5 suspension;

6 (2) The commission has not issued a final decision; and

7 (3) Thirty days has passed from the date of filing.

8 In the case of a proposed increased rate or charge, the Public Utilities Commission  
9 commission may, by order, require the interested public utility or public utilities to keep an  
10 accurate account in detail of all amounts received by reason of such the increase, specifying by  
11 whom and in whose behalf such the amounts are paid, and upon. Upon completion of the  
12 hearings and decision, the commission may by further order require such the public utility or  
13 public utilities to refund, with interest, to the persons in whose behalf such amounts were paid,  
14 such customers, the portion of such the increased rates or charges as by its decision shall be  
15 found not justified, and such found to be unjust, unreasonable, or discriminatory. The refund  
16 shall be carried out as provided in §§ 49-34A-22 and 49-34A-23. If the commission does not  
17 issue a final decision within twelve months from the date the proposed rate or practice was filed,  
18 the commission may not require a refund of increased rates charged after the twelve months.