

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

455Q0562

HOUSE BILL NO. 1209

Introduced by: Representatives Nygaard, Feickert, Feinstein, Hunhoff (Bernie), Lange, McLaughlin, Street, and Verchio and Senators Hundstad, Hanson (Gary), Miles, and Peterson

1 FOR AN ACT ENTITLED, An Act to require electrical utilities to file certain information with
2 the Public Utilities Commission.

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

4 Section 1. For the purposes of this Act, the term, small power production facility, means a
5 facility that uses wind to produce electric power and has a power production capacity of no
6 greater than twenty megawatts.

7 Section 2. For the purposes of this Act, the term, avoided costs, means the incremental costs
8 to an electric utility, as defined in § 49-34A-1, of electric energy or capacity or both which, but
9 for the purchase from a small power production facility, the utility would generate itself or
10 purchase from another source.

11 Section 3. Each electric utility shall file with the Public Utilities Commission the avoided
12 cost level of the electric utility.

13 Section 4. Any small power production facility may petition the Public Utilities Commission
14 to enforce the requirements of this Act.

