

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

400W0210

## HOUSE BILL NO. 1037

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the regulation of  
2 public utilities.

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

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

5 49-34A-1. Terms used in this chapter mean:

- 6 (1) "Assigned service area," the geographical area in which the boundaries are  
7 established as provided in §§ 49-34A-42 to 49-34A-44, inclusive, and 49-34A-48 to  
8 49-34A-59, inclusive;
- 9 (2) "Commission," the South Dakota Public Utilities Commission;
- 10 (3) "Customer," any person contracting for or purchasing gas or electric service from a  
11 utility;
- 12 (4) "Depreciated original cost," the cost of property to the person first devoting it to  
13 public service, less the depreciation reserve, which includes accumulated  
14 depreciation charges calculated on a straight-line method and based upon the  
15 estimated service life of the property together with other items normally accounted



1 for in the depreciation reserve, and does not include any good will or going concern  
2 value, nor does it include certificate value in excess of payments made or costs  
3 incurred in the initial acquisition thereof;

4 (5) "Electric line," any line for conducting electric energy at a design voltage of  
5 twenty-five thousand volts phase to phase or less and used for distributing electric  
6 energy directly to customers;

7 (6) "Electric service," electric service furnished to a customer for ultimate consumption,  
8 but not including wholesale electric service furnished by an electric utility to another  
9 electric utility for resale;

10 (7) "Electric utility," any person operating, maintaining, or controlling in this state,  
11 equipment or facilities for providing electric service to or for the public including  
12 facilities owned by a municipality;

13 (8) "Gas service," retail sale of natural gas or manufactured gas distributed through a  
14 pipeline to fifty or more customers or the sale of transportation services by an  
15 intrastate natural gas pipeline;

16 (9) "Gas utility," any person operating, maintaining, or controlling in this state  
17 equipment or facilities for providing gas service to or for the public;

18 (9A) "Intrastate natural gas pipeline," any natural gas pipeline located entirely within the  
19 state that transports gas from a receipt point to one or more locations for customers  
20 other than the pipeline operator. However, the term does not apply if there is only one  
21 customer and the customer is a wholly-owned subsidiary of the pipeline operator, the  
22 customer is the parent company of the pipeline operator, or the customer and the  
23 pipeline operator are wholly-owned subsidiaries of the same parent company.  
24 Further, the term does not apply to natural gas lines and appurtenant facilities used

1 to gather gas from natural gas production facilities or sites and move the gas to an  
2 interconnecting transportation pipeline system;

3 (10) "Municipality," any incorporated town or city in South Dakota;

4 (11) "Person," a natural person, a partnership, a private corporation, a public corporation,  
5 a limited liability company, a municipality, an association, a cooperative whether  
6 incorporated or not, a joint stock association, a business trust, any of the federal, state  
7 and local governments, including any of their political subdivisions, agencies and  
8 instrumentalities, or two or more persons having joint or common interest;

9 (12) "Public utility," any person operating, maintaining, or controlling in this state  
10 equipment or facilities for the purpose of providing gas or electric service to or for  
11 the public in whole or in part, in this state. However, the term does not apply to an  
12 electric or gas utility owned by a municipality, political subdivision, or agency of the  
13 State of South Dakota or any other state or a rural electric cooperative as defined in  
14 § 47-21-1 for the purposes of §§ 49-34A-2 to 49-34A-4, inclusive, §§ 49-34A-6 to  
15 49-34A-41, inclusive, and § 49-34A-62. The term, public utility, does apply to a rural  
16 electric cooperative which provides gas service;

17 (13) "Rate," any compensation, charge and classification, or any of them demanded,  
18 observed, charged, or collected by any public utility for any service and any rules,  
19 regulations, practices, or contracts affecting any such compensation, charge or  
20 classification;

21 (14) "Securities," stock and stock certificates or other evidence of interest or ownership,  
22 and bonds, notes or other evidence of indebtedness.

23 Section 2. That § 49-34A-13.1 be amended to read as follows:

24 49-34A-13.1. Any ~~natural person, partnership, limited liability company, corporation, or~~

1 ~~political subdivision individually or collectively may appear in person as an intervenor.~~  
2 ~~However, such~~ before the commission and present comments regarding the proceeding or  
3 submit written comments to the commission. The person shall fully and fairly make a full  
4 disclosure of identity, the interest of ~~such~~ the person in the proceeding, and the position to be  
5 taken, ~~and that the~~. The contentions of such the person are reasonably pertinent shall be relevant  
6 to the issues ~~already~~ presented ~~and the right to broaden the issues is disclaimed in the~~  
7 proceeding. Any person appearing pursuant to this section ~~may not be~~ is not afforded the status  
8 of a party to the ~~proceedings~~ proceeding unless the person has been granted party status in  
9 accordance with applicable statutes and rules governing intervention in proceedings before the  
10 commission.