

AN ACT

ENTITLED, An Act to revise certain provisions related to the regulation of public utilities.

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

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

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

- (1) "Assigned service area," the geographical area in which the boundaries are established as provided in §§ 49-34A-42 to 49-34A-44, inclusive, and 49-34A-48 to 49-34A-59, inclusive;
- (2) "Commission," the South Dakota Public Utilities Commission;
- (3) "Customer," any person contracting for or purchasing gas or electric service from a utility;
- (4) "Depreciated original cost," the cost of property to the person first devoting it to public service, less the depreciation reserve, which includes accumulated depreciation charges calculated on a straight-line method and based upon the estimated service life of the property together with other items normally accounted for in the depreciation reserve, and does not include any good will or going concern value, nor does it include certificate value in excess of payments made or costs incurred in the initial acquisition thereof;
- (5) "Electric line," any line for conducting electric energy at a design voltage of twenty-five thousand volts phase to phase or less and used for distributing electric energy directly to customers;
- (6) "Electric service," electric service furnished to a customer for ultimate consumption, but not including wholesale electric service furnished by an electric utility to another electric utility for resale;
- (7) "Electric utility," any person operating, maintaining, or controlling in this state, equipment or facilities for providing electric service to or for the public including facilities owned

- by a municipality;
- (8) "Gas service," retail sale of natural gas or manufactured gas distributed through a pipeline to fifty or more customers or the sale of transportation services by an intrastate natural gas pipeline;
- (9) "Gas utility," any person operating, maintaining, or controlling in this state equipment or facilities for providing gas service to or for the public;
- (9A) "Intrastate natural gas pipeline," any natural gas pipeline located entirely within the state that transports gas from a receipt point to one or more locations for customers other than the pipeline operator. However, the term does not apply if there is only one customer and the customer is a wholly-owned subsidiary of the pipeline operator, the customer is the parent company of the pipeline operator, or the customer and the pipeline operator are wholly-owned subsidiaries of the same parent company. Further, the term does not apply to natural gas lines and appurtenant facilities used to gather gas from natural gas production facilities or sites and move the gas to an interconnecting transportation pipeline system;
- (10) "Municipality," any incorporated town or city in South Dakota;
- (11) "Person," a natural person, a partnership, a private corporation, a public corporation, a limited liability company, a municipality, an association, a cooperative whether incorporated or not, a joint stock association, a business trust, any of the federal, state and local governments, including any of their political subdivisions, agencies and instrumentalities, or two or more persons having joint or common interest;
- (12) "Public utility," any person operating, maintaining, or controlling in this state equipment or facilities for the purpose of providing gas or electric service to or for the public in whole or in part, in this state. However, the term does not apply to an electric or gas utility

owned by a municipality, political subdivision, or agency of the State of South Dakota or any other state or a rural electric cooperative as defined in § 47-21-1 for the purposes of §§ 49-34A-2 to 49-34A-4, inclusive, §§ 49-34A-6 to 49-34A-41, inclusive, and § 49-34A-62. The term, public utility, does apply to a rural electric cooperative which provides gas service;

- (13) "Rate," any compensation, charge and classification, or any of them demanded, observed, charged, or collected by any public utility for any service and any rules, regulations, practices, or contracts affecting any such compensation, charge or classification;
- (14) "Securities," stock and stock certificates or other evidence of interest or ownership, and bonds, notes or other evidence of indebtedness.

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

49-34A-13.1. Any person may appear before the commission and present comments regarding the proceeding or submit written comments to the commission. The person shall fully and fairly make a full disclosure of identity, the interest of the person in the proceeding, and the position to be taken. The contentions of the person shall be relevant to the issues presented in the proceeding. Any person appearing pursuant to this section is not afforded the status of a party to the proceeding unless the person has been granted party status in accordance with applicable statutes and rules governing intervention in proceedings before the commission.

An Act to revise certain provisions related to the regulation of public utilities.

=====
I certify that the attached Act
originated in the

HOUSE as Bill No. 1037

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1037

File No. _____

Chapter No. _____

=====
Received at this Executive Office
this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

=====
The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

=====
STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State