



Kristie Fiegen, Chairperson
Gary Hanson, Vice Chairperson
Chris Nelson, Commissioner



PUBLIC UTILITIES COMMISSION

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February 24, 2017

Russel Graham

[REDACTED]
Beresford, SD 57004

Dear Mr. Graham:

This is in response to your second letter regarding the farm taps docket, NG16-014. I understand your concern about the possibility of losing your farm tap and natural gas supply.

You state in your letter, *"Since the easements were/are clearly valid, I urge you to rule that the farmsteads involved continue to receive the service which has been provided for generations."*

I would very much like to rule that your natural gas service continue. However, the commission's legal authority is provided by laws acted on by the state legislature. It is important that the commission stay within the boundaries of both federal and state law when considering and ruling on any docket before it. To act outside of the law would not only be irresponsible, but would waste critical time and money.

The PUC is not involved in the easement acquisition process that occurs between a utility or company and a landowner. Therefore, the PUC cannot rule over the easement contract on your behalf.

Your easement is a contract between two parties – you as the landowner and Northern. It does not include the state as a party. That contract is a matter that must be handled in the circuit court system. Therefore, I suggest you seek advice from your personal attorney.

All action by the commissioners on this docket must take place during open, noticed meetings. PUC staff members have stated in these meetings that they have met with representatives of Northern and NorthWestern Energy, and likely continue having discussions with those company representatives. You may learn more by communicating directly with a PUC staff analyst or attorney working on the docket. To do so, call 1-800-332-1782 or 605-773-3201 or email PUC@state.sd.us.

Your letter and my response will be posted under Comments and Responses in the docket online.

Sincerely,

Kristie Fiegen