

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE CONSIDERATION	)	ORDER SETTING
OF THE ENERGY INDEPENDENCE AND	)	INTERVENTION DEADLINE;
SECURITY ACT OF 2007	)	ORDER FOR AND NOTICE
	)	OF PROCEDURAL
	)	SCHEDULE AND HEARING
	)	NG09-006

On September 25, 2009, the Public Utilities Commission (Commission) opened a docket regarding the consideration of the Energy Independence and Security Act of 2007. The Energy Independence and Security Act of 2007 amends Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (15 U.S.C. 3203(b)). Specifically, the amendment adds energy efficiency and rate design natural gas standards for state consideration. The Commission must consider these standards and make a specific determination on whether their implementation is appropriate in South Dakota.

At its regularly scheduled meeting of October 6, 2009, the Commission considered this matter. Staff recommended that the Commission collect written comments by the end of October, that comments and rebuttal be heard to fulfill hearing obligations at a meeting in November, and that the Commission make its decision prior to the December deadline. The Commission voted unanimously to adopt Staff's recommendations.

On October 13, 2009, the Commission received a Petition to Intervene from NorthWestern Corporation d/b/a NorthWestern Energy (NWE). On October 16, 2009, the Commission received a Petition to Intervene from MidAmerican Energy Company (MidAmerican). The Commission has set an intervention deadline of October 31, 2009.

The Commission has jurisdiction over this matter pursuant to SDCL chapter 49-34A, specifically 49-34A-93, and the EISA.

The procedural schedule shall be as follows:

DATE	PROCEDURAL SCHEDULE
October 31, 2009	Comments Due
November 10, 2009	Petitions to Intervene Considered
November 30, 2009	Hearing
December 8, 2009	Commission Decision

A hearing shall be held commencing at 11:00 a.m. on Monday, November 30, 2009, in Room 413, State Capitol, 500 East Capitol, Pierre, South Dakota. The hearing is open to the public. All persons testifying shall be subject to cross-examination.

The issue for the Commission to consider at the hearing is whether the energy efficiency and rate design natural gas standards are appropriate to be implemented in South Dakota.

The hearing will be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights may be forfeited if not exercised at the hearing. If a party or their representative fails to appear at the time and place set for the hearing, the Final Decision will be based on the testimony and other evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. All persons testifying will be sworn and subject to cross-examination by the Commission Staff, the Commission and other parties. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission may then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission may determine whether the energy efficiency and rate design natural gas standards are appropriate to be implemented in South Dakota. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that interested persons or entities may file to intervene by October 31, 2009. It is further

ORDERED, that the procedural schedule set forth above shall be followed by all parties to these proceedings. It is further

ORDERED, that a hearing shall be held at the time and place specified above on the issues as stated above.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 23rd day of October, 2009.

CERTIFICATE OF SERVICE The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically. By: <u><i>Delaine Kolbe</i></u> Date: <u>10/23/09</u> (OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner