

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

400S0250

SENATE BILL NO. 26

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the implementation
2 of a proposed rate or practice by a gas or electric public utility.

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

4 Section 1. That § 49-34A-17 be amended to read as follows:

5 49-34A-17. The public utility may implement the proposed ~~rate or practice,~~ the proposed
6 rate, or a rate lower than the proposed rate if:

7 (1) The proposed rate or practice has not been suspended or is no longer subject to
8 suspension;

9 (2) The commission has not issued a final decision; and

10 (3) Thirty days has passed from the date of filing.

11 If the public utility implements the proposed rate or a rate lower than the proposed rate, the
12 public utility shall use the same rate design that is currently in effect or the rate design that the
13 public utility proposed when the public utility filed for the increased rate. If the public utility
14 uses a rate design different than the rate design currently in effect or the rate design the public
15 utility proposed when the public utility filed for the increased rate, commission approval is



1 needed prior to implementation.

2 In the case of a proposed increased rate, the commission may, by order, require the public
3 utility to keep an accurate account in detail of all amounts received by reason of the increase,
4 specifying by whom and in whose behalf the amounts are paid. Upon completion of the hearings
5 and decision, the commission may by further order require the public utility to refund, with
6 interest, to customers, the portion of the increased rates found to be unjust, unreasonable, or
7 discriminatory. The refund shall be carried out as provided in §§ 49-34A-22 and 49-34A-23. If
8 the commission does not issue a final decision within twelve months from the date the proposed
9 rate or practice was filed, the commission may not require a refund of increased rates charged
10 after the twelve months.