

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

850B0491

SENATE BILL NO. 81

Introduced by: Senators Schoenbeck and Youngberg and Representatives Reed, Bartels, and York

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding minimum demand of electric
2 service.

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

4 Section 1. That § 49-34A-56 be amended to read:

5 49-34A-56. Notwithstanding the establishment of assigned service areas for electric utilities
6 ~~provided for in~~ under §§ 49-34A-43 and 49-34A-44, new customers at new locations ~~which that~~
7 develop after March 21, 1975, located outside municipalities as the boundaries ~~thereof~~ of those
8 municipalities existed on March 21, 1975, and who require electric service with a ~~contracted~~
9 ~~minimum demand~~ connected load of ~~two thousand~~ five hundred kilowatts or more ~~shall, may~~
10 not be obligated to take electric service from the electric utility ~~having the~~ assigned to the
11 service area where the customer is located if, after notice and hearing, the Public Utilities
12 Commission so determines after consideration of the following factors:

- 13 (1) The electric service requirements of the load to be served;
- 14 (2) The availability of an adequate power supply;
- 15 (3) The development or improvement of the electric system of the utility seeking to



1 provide the electric service, including the economic factors relating ~~thereto~~ to the
2 service;

3 (4) The proximity of adequate facilities from which electric service of the type required
4 may be delivered;

5 (5) The preference of the customer;

6 (6) Any ~~and all~~ pertinent ~~factors~~ factor affecting the ability of the utility to furnish
7 adequate electric service to fulfill customers' requirements.

8 The commission shall issue a decision and enter findings of fact and conclusions of law no
9 more than sixty days following the date a customer files a petition requesting a determination
10 by the commission under this section. The commission shall deem the electric utility assigned
11 to the service area where the customer is located to be an intervenor, and shall permit the utility
12 to participate in the hearing from the date the customer files the petition.