

IN THE MATTER OF THE  
PROMULGATION OF  
ADMINISTRATIVE RULES

CERTIFICATE

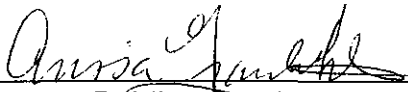
I, Dustin M. Johnson, hereby certify that I am a duly appointed member and the duly elected chair of the Public Utilities Commission and that the attached instruments are full, true, and correct copies of the following rules adopted by the Public Utilities Commission on May 28, 2009.

Proposed revised rules: §§ 20:10:36:01, 20:10:36:02, 20:10:36:03, 20:10:36:04, 20:10:36:05, 20:10:36:06, 20:10:36:07, 20:10:36:08, 20:10:36:09, 20:10:36:10, 20:10:36:11, 20:10:36:12, 20:10:36:13, 20:10:36:14, 20:10:36:15, 20:10:36:16, 20:10:36:17, 20:10:36:18, 20:10:36:19, 20:10:36:20, 20:10:36:21, 20:10:36:22, 20:10:36:23, 20:10:36:24, 20:10:36:25, 20:10:36:26, 20:10:36:27, 20:10:36:28, 20:10:36:29, 20:10:36:30, 20:10:36:31, 20:10:36:32, 20:10:36:33, 20:10:36:34, 20:10:36:35, 20:10:36:36, 20:10:36:37, 20:10:36:38, 20:10:36:39, 20:10:36:40, 20:10:36:41, 20:10:36:42, 20:10:36:43, 20:10:36:44, 20:10:36:45, 20:10:36:46, 20:10:36:47, 20:10:36:48, 20:10:36:49, 20:10:36:50, 20:10:36:51, 20:10:36:52, 20:10:36:53, 20:10:36:54, 20:10:36:55, 20:10:36:56, 20:10:36:57, 20:10:36:58, 20:10:36:59, 20:10:36:60, 20:10:36:61, 20:10:36:62, 20:10:36:63, 20:10:36:64, 20:10:36:65, 20:10:36:66, 20:10:36:67, 20:10:36:68, 20:10:36:69, 20:10:36:70, 20:10:36:71, 20:10:36:72 and 20:10:36:73.

I further certify that SDCL 1-26-4 and 1-26-6 were complied with in the adoption of these rules. These rules will become effective twenty days after filing with the Secretary of State.

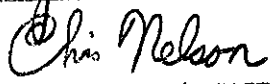
  
Dustin M. Johnson, Chairman  
Public Utilities Commission

Subscribed and sworn to  
before me this 9<sup>th</sup> day  
of June, 2009.

  
Notary Public - South Dakota

(SEAL)

My Commission Expires: 7-1-2010

Filed this 9<sup>th</sup> day of  
June, 2009  
  
Chris Nelson  
SECRETARY OF STATE

**20:10:36**

**SMALL GENERATOR FACILITY INTERCONNECTION**

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**20:10:36:01. Scope and applicability.** The rules in this chapter govern the interconnection of small generator facilities in South Dakota with an electric nameplate capacity of ten megawatts or less to the electric distribution system of a public utility. The rules do not apply to small generator facilities subject to the interconnection requirements of FERC or a regional transmission organization. If a generation facility has an electric nameplate capacity of more than ten megawatts that may be subject to the commission's interconnection jurisdiction, this chapter may be used as the basis for the interconnection process.

**Source:**

**General Authority:** SDCL 49- 34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:02. Definitions.** Terms defined in SDCL 49-34B-1 have the same meaning when used in this chapter. In addition, terms used in this chapter mean:

- (1) "Adverse system impact," a negative effect caused by the proposed interconnection that may compromise the safety and reliability of an electric transmission and distribution system;
- (2) "Affected system," an electric transmission and distribution system not owned or operated by the interconnecting public utility, which may experience an adverse system impact from the proposed interconnection;

- (3) "Applicant," a person who has submitted an application to interconnect a small generator facility to a public utility's EDS;
- (4) "Application," a request to interconnect a small generator facility with a public utility's EDS. An application shall follow the standard forms on file with the commission;
- (5) "Area network," a type of electric distribution system served by multiple transformers interconnected in an electrical network circuit in order to provide high reliability of service. This term has the same meaning as the term "secondary grid network" as defined in IEEE 1547, section 4.1.4;
- (6) "Certificate of completion," a certificate signed by the applicant and attesting that the small generator facility is complete, meets the requirements contained in this chapter, and has been inspected, tested, and certified as physically ready for operation. The certificate of completion shall follow the standard form on file with the commission;
- (7) "Commissioning," the process by which a facility is tested to verify if it functions according to design objectives or specifications;
- (8) "Electric nameplate capacity," the net maximum electric output capability measured in watts, kilowatts, or megawatts of a generator facility as designated by the facility's manufacturer;
- (9) "Electrical service agreement," the agreement between a public utility and a customer providing for electricity and ancillary services according to

provisions of a tariff;

- (10) "Electric distribution system (EDS)," the facilities and equipment used to transmit electricity to ultimate usage points;
- (11) "Fault current," electrical current that flows through a circuit and is produced by an electrical fault, such as to ground, double-phase to ground, three-phase to ground, phase-to-phase, and three-phase;
- (12) "FERC," the Federal Energy Regulatory Commission;
- (13) "Field tested equipment," interconnection equipment that is identical to equipment that was approved, by the public utility that interconnection is being requested from, for another interconnection under a tier 4 study review and has successfully completed a witness test within 36 months from the date of the submission of the current application;
- (14) "Good utility practice," a practice, method, policy, or action engaged in or accepted by a significant portion of the electric industry in a region which a reasonable utility official would expect, in light of the facts reasonably discernable at the time, to accomplish the desired result reliably, safely, and expeditiously;
- (15) "IEEE 1547," standard 1547 published July 28, 2003 by the Institute of Electrical and Electronics Engineers (IEEE) entitled "Standard for Interconnecting Distributed Resources with Electric Power Systems";

- (16) "IEEE 1547.1," standard 1547.1 published July 1, 2005 by the Institute of Electrical and Electronics Engineers (IEEE) entitled "Standard for Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems";
- (17) "Interconnection agreement," an agreement between an applicant or interconnection customer and the interconnecting public utility that governs the connection of the small generator facility to the public utility's EDS and the ongoing operation of the small generator facility after it is connected to the system. An interconnection agreement shall follow the standard form on file with the commission;
- (18) "Interconnection customer," a person with a small generator facility that is interconnected to a public utility in accordance with this chapter;
- (19) "Interconnection equipment," a group of components or an integrated system provided by the interconnection customer to connect a small generator facility to a public utility's EDS, including all interface equipment such as switchgear, protective devices, inverters, or other interface devices. Interconnection equipment may be installed as part of an integrated equipment package that includes a generator or other electric source;
- (20) "Interconnection facilities," the facilities and equipment required by the electric utility to accommodate the interconnection of a small generator facility to the public utility's EDS and used exclusively to interconnect a



specific small generator facility. Interconnection facilities do not include system upgrades that may benefit the public utility, other customers, other interconnection customers, or an owner of an affected system;

- (21) "Interconnection facilities study," a study conducted by a public utility or a third-party consultant retained by the public utility or the applicant that determines the additional interconnection facilities and system upgrades required to interconnect the small generator facility to the public utility's EDS, the cost of the facilities and upgrades, and the time required to complete the interconnection;
- (22) "Interconnection facilities study agreement," a contract between the applicant and the interconnecting public utility that provides a detailed scope and timeline for the interconnection facilities study and a good faith, non-binding estimate of the costs to perform the study. An interconnection facilities study agreement shall follow the standard form on file with the commission;
- (23) "Interconnection feasibility study," a preliminary evaluation of the system impact and cost of interconnecting the small generator facility to the public utility's EDS;
- (24) "Interconnection feasibility study agreement," a contract between the applicant and the interconnecting public utility that provides a scope, timeline, and good faith, non-binding estimate of the costs for the public utility to conduct an interconnection feasibility study for the applicant. An

interconnection feasibility study agreement shall follow the standard form on file with the commission;

- (25) "Interconnection request," an applicant's submission of an application for interconnection to the EDS of a public utility;
- (26) "Interconnection service," service to an electric customer under which an on-site generating facility on a customer's premises is connected to local distribution facilities;
- (27) "Interconnection system impact study," an engineering study performed by the public utility that evaluates the impact of the proposed interconnection on the safety and reliability of the EDS. The study focuses on the adverse system impacts identified in the interconnection feasibility study and other potential impacts, including those identified in the scoping meeting;
- (28) "Interconnection system impact study agreement," a contract between the applicant and the interconnecting public utility that provides a statement of scope, timeline, and a good faith, non-binding estimate of the cost to conduct an interconnection system impact study. An interconnection system impact study agreement shall follow the standard form on file with the commission;
- (29) "Lab tested equipment," interconnection equipment which has been tested by the original equipment manufacturer in accordance IEEE 1547.1 and found to be in compliance with the appropriate codes and standards

referenced therein and is labeled and listed by an NRTL. For interconnection equipment to gain status as lab tested equipment, its use must fall within the use or uses for which the interconnection equipment is labeled and listed by the NRTL, and the generator or other electric source being utilized must be compatible with the interconnection equipment and consistent with the testing and listing specified for the type of interconnection equipment;

- (30) “Line section,” the portion of a public utility’s EDS connected to an interconnection customer and bounded by automatic sectionalizing devices or the end of the distribution line;
- (31) “Minor equipment modification,” a change to the proposed small generator facility, the output capacity of the facility, or the proposed interconnection equipment that:
  - (a) Does not affect the application of the screening criteria in tiers 1, 2, or 3;
  - (b) In the public utility’s reasonable opinion, does not have a material impact on safety or reliability of the public utility’s EDS or an affected system; and
  - (c) Does not include a change in the electric nameplate capacity of an existing small generator facility;

- (32) "Nationally recognized testing laboratory (NRTL)," a qualified private organization that performs independent safety testing and product certification. Each NRTL shall meet the requirements as set forth by the Occupational Safety and Health Administration for an NRTL program;
- (33) "Parallel operation" or "parallel," a small generator facility that is connected electrically to an EDS and the potential exists for electricity to flow from the small generator facility to the EDS or for the small generator facility and the EDS to simultaneously feed the same load;
- (34) "Pending completed application," an application for interconnection of other small generator facilities or FERC wholesale generators that the public utility has deemed completed but has not yet reviewed or approved pursuant to applicable procedures;
- (35) "Point of interconnection," the point where the small generator facility is electrically connected to the public utility's EDS;
- (36) "Primary line," a distribution line with an operating voltage greater than 480 volts;
- (37) "Queue position," the order of a completed application, relative to all other pending completed applications, that is established based upon the date and time of the interconnecting public utility's receipt of the completed application, including application fees;

- (38) "Radial distribution circuit," a circuit configuration in which independent feeders branch out radially from a common source of supply;
- (39) "Scoping meeting," an initial meeting between representatives of the applicant and the interconnecting public utility that is conducted for the purpose of discussing alternative interconnection options, to exchange information, including any EDS data and earlier study evaluations that would be reasonably expected to impact such interconnection options, to analyze the information, or to determine the potentially feasible points of interconnection;
- (40) "Secondary line," a service line subsequent to the public utility's primary line that has an operating voltage of 480 volts or less;
- (41) "Shared secondary line," a service line subsequent to the public utility's primary line that has an operating voltage of 480 volts or less that serves more than one customer;
- (42) "Small generator facility," a facility for the production of electrical energy that has an electric nameplate capacity of ten megawatts or less and can operate in parallel with a public utility's EDS;
- (43) "Spot network," a type of electric EDS that uses two or more inter-tied transformers protected by network protectors to supply an electrical network circuit. A spot network may be used to supply power to a single customer or a small group of customers;

- (44) "System upgrade," an addition or modification to the interconnecting public utility's EDS or to an affected system that is required to accommodate the proposed interconnection. A system upgrade does not include interconnection facilities;
- (45) "Transmission line," a line owned by the public utility and controlled or operated by either the public utility or a regional transmission organization and defined by using guidelines established by either FERC, the commission, or both, which is not part of the public utility's distribution system or any generation system;
- (46) "Witness test," the on-site visual verification of the interconnection installation and commissioning as required in IEEE 1547, sections 5.3 and 5.4. For interconnection equipment that does not meet the definition of lab tested equipment, the witness test may, at the discretion of the public utility, also include a system design and production evaluation according to IEEE 1547, sections 5.1 and 5.2, as applicable to the specific interconnection system technology employed;
- (47) "Written notice," a required notice sent by the public utility or applicant via electronic mail, if electronic mail addresses are provided. If a party has not provided an electronic mail address, or has requested in writing to be notified by United States mail, or a party elects to provide written notice by United States mail, then written notices from the party shall be sent via first class United States mail. A party will be considered to have fulfilled

its duty to respond under these rules on the day it sends the written notice via electronic mail or deposits such notice in first class mail. Each party will be responsible for informing other parties of any change in its notification address.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**Reference: Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems**, published on July 28, 2003; Institute of Electrical and Electronics Engineers. Copies may be obtained from the Institute of Electrical and Electronics Engineers, 445 Hoes Lane, Piscataway, New Jersey, 08854 or at <http://www.ieee.org/portal/site>. Cost: \$89.

**Reference: Standard 1547.1 for Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems**, published on July 1, 2005; Institute of Electrical and Electronics Engineers. Copies may be obtained from the Institute of Electrical and Electronics Engineers, 445 Hoes Lane, Piscataway, New Jersey, 08854 or at <http://www.ieee.org/portal/site>. Cost: \$72.

**20:10:36:03. Rules waiver.** Any public utility, applicant, and interconnection customer, subject to the rules in this chapter, may mutually agree to waive all rules except § 20:10:36:16. If agreement cannot be reached, and for good cause shown, a party may request the commission waive any of the rules in this chapter.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:04. Application for interconnection.** A public utility shall require an applicant who wants to interconnect, make a capacity change, or change the status of a proposed or operating facility to submit an application to the public utility that owns and operates the EDS to which interconnection is sought. Each public utility shall review all interconnection requests submitted to the public utility at its authorized mailing address.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:05. Commissioning or operation notice.** A public utility shall require the applicant to provide commissioning notice or notice of intent to begin operations of a small generation facility to the public utility. A tier 1 application shall provide 10 business days notice. A tier 2, tier 3, or tier 4 application shall provide 20 business days notice.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:06. Application fees.** The public utility shall require a non-refundable application processing fee for each application. The amount of the fee is dependent upon the review tier requested in the application and is intended to cover reasonable costs for processing, minor study, and evaluation of the application. Any application requiring a detailed study and engineering evaluation may incur costs that are not covered by the application fee. Before any costs above the application fee are



assessed, the applicant must authorize the public utility to continue by assuming responsibility for the additional costs, or the application will be considered withdrawn and the original application fee forfeited.

The application fees are as follows:

- (1) Tier 1: \$50;
- (2) Tier 2: \$50 plus \$1 per kilowatt of rated generation output up to a maximum of \$500;
- (3) Tier 3: \$100 plus \$2 per kilowatt of rated generation output up to a maximum of \$1,000; and
- (4) Tier 4: \$100 plus \$2 per kilowatt of rated generation output up to a maximum of \$1,000.

If an applicant fails to receive approval at one review tier and makes a subsequent application for the same facility at a different tier within the time frame for preserving the queue position, the original application fee and any other fees paid in conjunction with the original application will be applied to the fees for the updated application. By mutual agreement, the review process can move directly to the next tier without filing a separate formal application.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:07. Term of interconnection.** Interconnection of a small generator facility is considered to be in effect for a period of up to 20 years at the interconnection customer's option, unless terminated earlier by the default or voluntary termination by the interconnection customer or by action of the commission. Any interconnection agreement entered into before the effective date of this rule shall remain in effect until the term of the agreement expires.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:08. Renewal of interconnection agreement.** The public utility may not unreasonably refuse to grant an expedited review of a request to renew an interconnection agreement. If the conditions on the EDS are essentially the same as when the agreement was originally approved, the public utility may waive all or part of the application fee if fewer expenses are incurred in renewing the application, provided that the facility has not undergone anything other than minor equipment modifications, as determined by the public utility, since the expired agreement was approved.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:09. Aggregating multiple generators.** If the interconnection request is for a small generator facility that includes multiple small generator facilities at a site for which the applicant seeks a single point of interconnection, the application shall be

evaluated for the purposes of the interconnection on the basis of the aggregate electric nameplate capacity of the multiple small generator facilities.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:10. Point of contact – Information provided.** The public utility shall designate a point of contact from which information on the application process and the public utility's EDS may be obtained. Unless providing the materials would violate security requirements, confidentiality obligations, or be contrary to state or federal regulations, the information shall include studies and other materials useful to an understanding of the feasibility of interconnecting a small generator facility at a particular point on the public utility's EDS. Subject to any confidentiality agreements as may be required to protect the confidential or proprietary information interests of the public utility or third parties, the public utility shall comply with reasonable requests for access to or copies of such studies.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:11. Modifications.** Once an application is received by the public utility and a queue position is assigned, for any modification to the application, other than a minor equipment modification, the public utility may require that a new application be submitted and the original queue position be relinquished. If, after an interconnection agreement has been entered, the interconnection customer wants to modify the small

generator facility, other than a minor equipment modification, the public utility may require that a new application must be submitted and approved before the proposed modifications may take place.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:12. Site control documentation.** Documentation of site control must be available. If the applicant is not currently a customer of the public utility, site control documentation shall be provided with the application. Site control may be demonstrated through ownership of, a leasehold interest in, or an option or other right to develop a site for the purpose of constructing the small generator facility. Site control may be documented by a property tax bill, deed, a lease agreement, or other legally binding contract.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:13. Right of access.** The public utility shall have access to the applicant's or interconnection customer's premises for any reasonable purpose in connection with the interconnection application, interconnection agreement, or if necessary to meet the legal obligation to provide service to the utility's customers. Access must be requested at reasonable hours and upon reasonable notice, or at any time without notice in the event of an emergency or hazardous condition.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:14. Multiple interconnections.** The public utility may propose to interconnect more than one small generator facility at a single point of interconnection in order to minimize costs, and may not unreasonably refuse a request to do so. However, an applicant or an interconnection customer may elect to pay the entire cost of separate interconnection facilities.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:15. Isolation device.** If required by the public utility, a small generator facility must be capable of being isolated from the public utility. When isolation is required, a small generation facility shall do so in one of the following ways:

- (1) For a small generator facility interconnecting to a primary line, the isolation shall be by means of a lockable, visible-break isolation device readily accessible by the public utility;
- (2) For a small generator facility interconnecting to a secondary line, the isolation shall be by means of a lockable isolation device whose status is clearly indicated and is readily accessible by the public utility; or
- (3) All other interconnection isolation devices shall be installed, owned, and maintained by the owner of the small generator facility and be capable of

interrupting the full load of the small generator facility and shall be located between the small generator facility and the point of interconnection.

Alternatively, the applicant or interconnection customer may elect to provide the public utility access to an isolation device that is contained in a building or area that may be unoccupied and locked or not otherwise readily accessible to the public utility by providing a lockbox capable of accepting a lock provided by the public utility that will provide ready access to the isolation device. The applicant or interconnection customer must affix a placard in a location acceptable to the public utility that provides clear instructions to the utility's operating personnel on how to gain access to the isolation device.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:16. Technical standard.** The technical standard to be used in evaluating all applications shall be IEEE 1547. If a public utility wants to use other standards in addition to IEEE 1547, it may do so only after seeking and being granted a waiver from the commission.

The public utility shall require the applicant or interconnection customer to construct, own, operate, and maintain its small generator facility and associated interconnection facilities in accordance with the provisions of IEEE 1547, the safety standards required therein, and reasonable safety and reliability standards required by the commission.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:17. Cost responsibility - General study costs.** Whenever additional studies are required, the public utility shall require the applicant to pay the additional, actual study costs above what is covered by the initial application fee.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:18. Minor EDS modifications – Cost responsibility.** Minor modifications to the existing EDS identified by the public utility under a tier 2 or tier 3 review are considered minor EDS modifications. Changing meters, fuses, or relay settings are minor modifications. The public utility shall decide what constitutes other minor EDS modifications. The applicant is responsible for the costs of making minor EDS modifications as may be necessary to gain approval from the public utility.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:19. Identification of interconnection facilities – Cost responsibility.** The public utility shall identify under the review procedures of a tier 2 review or under a tier 4 facilities study, the interconnection facilities necessary to safely interconnect the small generator facility with the public utility. The public utility shall itemize the interconnection facilities for the applicant, including the cost of the facilities and the time

required to build and install those facilities. The public utility shall require the interconnection customer to be responsible for the cost of the interconnection facilities.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:20. Interconnection equipment cost responsibility.** The public utility shall require the interconnection customer to be responsible for all expenses, including overheads, associated with owning, operating, maintaining, repairing, and replacing its interconnection equipment.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:21. System upgrades – Cost responsibility.** The public utility shall design, procure, construct, install, and own any system upgrades. The actual cost of the system upgrades, including overheads, shall be directly assigned to the applicant or interconnection customer by the public utility.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:22. Adverse system impacts – Cost responsibility.** The public utility is responsible for identifying adverse system impacts on any affected systems and for determining what mitigation activities or upgrades may be required to accommodate a small generator facility. The actual cost of any actions taken to address the adverse



system impacts, including overheads, shall be directly assigned to the applicant or interconnection customer by the public utility. If allowed by the commission, the applicant or interconnection customer may be entitled to financial compensation from other public utility customers or other interconnection customers who, in the future, utilize the upgrades paid for by the applicant or interconnection customer. Compensation may only be required if a future customer utilizes the upgrades within five years from the date the upgrades were completed.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:23. Study deposit.** The public utility may require a deposit of no more than 50% percent of the cost estimate for all studies. However, the deposit may not exceed \$1,000 for small generator facilities proposing to interconnect 500 kilowatts or less. The deposit shall be paid in advance by the applicant for studies necessary to complete an interconnection to the EDS.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:24. Interconnection facilities deposit.** The public utility may require a deposit of not more than 50% of the estimated costs for interconnection facilities necessary to complete an interconnection to the EDS. However, the deposit may not exceed \$10,000 for small generator facilities proposing to interconnect 500 kilowatts or

less. The deposit shall be paid in advance by the applicant for facilities necessary to complete an interconnection to the EDS.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:25. Billing and payment.** Progress billing, final billing, and payment schedules shall be agreed to by the parties prior to commencing work.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:26. Insurance amounts.** At a minimum, in connection with the interconnection customer's performance of its duties and obligations under the interconnection agreement, the public utility shall require the interconnection customer to maintain, during the term of the agreement, general liability insurance at the following levels:

- (1) Tier 1: Proof of adequate homeowners, general liability, or commercial liability insurance sufficient to insure against all reasonably foreseeable direct liabilities given the size of the small generator facility;
- (2) Tier 2: Proof of insurance up to a maximum of \$500,000 per public utility request; or
- (3) Tiers 3 and 4: Proof of insurance up to a maximum of \$1,000,000 per public utility request.

The general liability insurance shall include coverage against claims for damages resulting from bodily injury, including wrongful death, and property damage arising out of the interconnection customer's ownership or operation, or both, of the small generator facility under the agreement.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:27. Insurance requirements.** By endorsement to the policy or policies, the general liability insurance required pursuant to § 20:10:36:26 shall include the following:

- (1) The public utility as an additional insured;
- (2) A severability of interest clause or cross-liability clause;
- (3) A provision that the public utility may not by reason of its inclusion as an additional insured incur liability to the insurance carrier for the payment of premium for the insurance; and
- (4) A 30 calendar days' written notice to the public utility prior to cancellation, termination, alteration, or material change of the insurance.

If the small generator facility is connected to an account receiving residential service from the public utility and the small generator facility's total generating capacity is 10 kilowatts or smaller, then the endorsements required above do not apply.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:28. Proof of insurance.** The interconnection customer shall furnish the required insurance certificates and endorsements to the public utility prior to the initial operation of the small generator facility. Evidence of the insurance shall state that coverage provided is primary and is not excess to or contributing with any insurance or self-insurance maintained by the public utility. Thereafter, the public utility has the right to periodically inspect or obtain a copy of the original policy or policies of insurance.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:29. Self-insurance.** If the interconnection customer is self-insured with an established record of self-insurance, the interconnection customer may comply with the self-insurance requirements of this section in lieu of those required by § 20:10:36:26. At least 30 days prior to the date of initial operation, the interconnection customer shall provide to the public utility evidence of an acceptable plan to self-insure to a level of coverage equivalent to that required under § 20:10:36:26.

If an interconnection customer ceases to self-insure to the required level or if the interconnection customer is unable to provide continuing evidence of its ability to self-insure, the interconnection customer shall immediately obtain the coverage otherwise required by this chapter.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:30. Witness test – Deficiencies in test.** The public utility has the option of conducting a witness test at a mutually agreeable time within 10 business days of the scheduled commissioning of the small generator facility. If the public utility does not conduct the witness test within 10 business days of the scheduled commissioning date, or within the time otherwise mutually agreed upon by the parties, or if the public utility notifies the applicant of its intent not to perform the test, the witness test is considered waived.

If the witness test is conducted and is not acceptable to the public utility, the applicant shall be allowed a period of 30 calendar days to resolve any deficiencies. A request for extension may not be unreasonably denied by the public utility. The parties may mutually agree to extend the time period for resolving any deficiencies. If the applicant fails to resolve the deficiencies to the satisfaction of the public utility within the agreed upon time period, the application is considered withdrawn.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:31. Tier 1 interconnection requirements.** The public utility shall use the tier 1 review procedures for a small generator facility application that meets the following requirements:

- (1) The proposed facility is inverter-based;

- (2) The proposed facility has an electric nameplate capacity of 10 kilowatts or less;
- (3) The proposed facility will use lab tested equipment only; and
- (4) The proposed point of interconnection is not to a transmission line.

A public utility may not impose additional requirements to a tier 1 interconnection application.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:32. Tier 1 interconnection evaluation and screening criteria.** A tier 1 interconnection shall use the following evaluation and screening criteria:

- (1) For interconnection of a proposed small generator facility to a radial distribution circuit, the aggregated generation must not exceed 15 percent of the line section annual peak load as most recently measured at the substation or calculated for the line section. Aggregated generation includes the proposed small generator facility, FERC wholesale generators, and FERC wholesale generators with a higher queue position;
- (2) For interconnection of a proposed small generator facility to the load side of spot network protectors, the proposed small generator facility and the aggregated other generation and applications with a higher queue position

must not exceed the lesser of 5 percent of a spot network's maximum load or 50 kilowatts;

- (3) If the proposed small generator facility is to be interconnected on a single-phase shared secondary service line, the aggregated generation capacity on the shared secondary, which includes the proposed small generator facility and applications with a higher queue position, must not exceed 20 kilowatts; and
- (4) If the proposed small generator facility is single-phase and is to be interconnected on a center tap neutral of a 240 volt service line, its addition must not create a current imbalance between the two sides of the 240 volt service of more than 20 percent of the nameplate rating of the service transformer.

The proposed interconnection must use existing public utility facilities.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:33. Tier 1 interconnection review procedures.** The applicant shall submit a tier 1 application and appropriate fees to the public utility at its designated address. Application forms are available from the commission.

Within 3 business days of receipt of the application, the public utility shall provide written acknowledgement of receipt and the start date of the review to determine if the application is complete. Within 10 business days of receipt of the application, the public

utility shall inform the applicant that the application is either complete or incomplete. If the application is incomplete, the public utility shall indicate the missing information. In the event the applicant does not receive notification, the applicant may contact the public utility to determine the status of the application. If the public utility notified the applicant that the application is incomplete, the applicant shall provide the required information within 20 business days or the application is considered to be withdrawn.

If the public utility does not have a record of receipt of the application, the applicant shall provide the public utility with an additional copy of the application. If the applicant can demonstrate that the original completed application was delivered to the electric utility, the public utility shall determine if the application is complete or incomplete in 5 business days.

Once the public utility finds the application is complete, it shall assign the project a queue position. The queue position of each application is used to determine any potential adverse system impacts of the proposed small generator facility based on the relevant screening criteria. The applicant shall proceed under the time frames of this section. The public utility may schedule a scoping meeting to notify the applicant about other higher-queued applications including FERC wholesale generator interconnection applications on the same radial line or spot network to which the applicant is seeking interconnection.

If, in the process of evaluating a completed application, the public utility determines that supplemental or clarifying information is required, the public utility shall request the information from the applicant. The time required for the receipt of the



additional information may extend the time necessary to complete the evaluation, but only to the extent of the time required for the receipt of the additional information. The public utility may not alter the applicant's queue position.

The public utility's review of the application shall be completed within 15 business days from the date the application is determined complete. The public utility shall notify the applicant whether the small generator facility meets the screening criteria.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:34. Tier 1 application completion.** The tier 1 interconnection process is complete when:

- (1) The application has passed the tier 1 screening criteria;
- (2) The small generator facility installation is approved by an electric code inspector with jurisdiction over the interconnection;
- (3) The witness test, if conducted by the public utility, is successful;
- (4) The parties execute a certificate of completion; and
- (5) An interconnection agreement has been executed.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:35. Tier 1 application denial – New application.** If the small generator facility is not approved under a tier 1 review, the applicant may submit a new application, including the difference in the application fee or deposit, for consideration under tier 2, tier 3, or tier 4 procedures without losing its original queue position if the new application is submitted within 15 business days of notice that the original application was not approved. If requested, the public utility shall provide a written explanation of why the application was not approved.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:36. Tier 2 interconnection requirements.** The public utility shall use the tier 2 review procedures for an application of a small generator facility that meets the following requirements:

- (1) The proposed facility does not qualify for tier 1 review and has an electric nameplate capacity of two megawatts or less;
- (2) The proposed facility will interconnect to either a radial distribution circuit or a spot network distribution circuit limited to serving one premise; and
- (3) The proposed facility will use interconnection equipment that is either lab tested equipment or field tested equipment.

The public utility may not impose additional requirements not specifically authorized.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:37. Tier 2 interconnection evaluation and screening criteria.** A tier 2 interconnection shall use the following evaluation and screening criteria:

- (1) For interconnection to a radial distribution circuit, aggregated generation on the circuit may not exceed 15 percent of the line section annual peak load as most recently measured at the substation or calculated for the line section. Aggregated generation includes the proposed small generator facility, FERC wholesale generators, and FERC wholesale generators with a higher queue position;
- (2) For interconnection to the load side of spot network protectors, the aggregated other generation may not exceed the lesser of five percent of a spot network's maximum load or 50 kilowatts. Aggregated other generation includes the proposed small generator facility, FERC wholesale generators, and FERC wholesale generators with a higher queue position;
- (3) General aggregate generation considerations are:
  - (a) In aggregate with other generation on the distribution circuit, the small generator facility may not contribute more than ten percent to the distribution circuit's maximum fault current at the point on the primary voltage distribution line nearest the point of interconnection;

- (b) In aggregate with other generation, existing FERC wholesale generators, and FERC wholesale generators with a higher queue position on the distribution circuit, the small generator facility may not cause any distribution protective devices and equipment to be exposed to fault currents exceeding 90 percent of the short circuit interrupting capability. Distribution protective devices and equipment include: substation breakers, fuse cutouts, line reclosers, and other public utility equipment on the EDS. The small generator facility's point of interconnection may not be located on a circuit that already exceeds 90 percent of the short circuit interrupting capability;
- (c) In aggregate with other generation, existing FERC wholesale generators, and FERC wholesale generators with a higher queue position interconnected to the distribution side of a substation transformer feeding the circuit where the small generator facility proposes to interconnect, the small generator facility may not exceed 10 megawatts in an area where there are known, or posted, transient stability limitations to generating units located in the general electrical vicinity;
- (d) In aggregate with existing FERC wholesale generators, FERC wholesale generators with a higher queue position, and existing transmission loads, the small generator facility, may not cause a transmission system circuit to exceed its design capacity on the

transmission system circuit directly connected to the distribution circuit where the interconnection is proposed; and

- (e) If the small generator facility is to be interconnected on single-phase shared service line on the EDS, the aggregate generation capacity on the shared secondary line, including the proposed small generator facility, may not exceed 20 kilowatts;
- (4) If the proposed small generator facility interconnection is to a primary line on the distribution system, the interconnection shall be done according to the following screening criteria, depending on the type of electrical service provided by the public utility:
- (a) If the small generator facility is 3-phase or single-phase and is to be connected to a 3-phase 3-wire primary line, it must be connected phase-to-phase; and
  - (b) If the small generator facility is 3-phase or single-phase and is to be connected to a 3-phase 4-wire primary line, it must be connected line to neutral and effectively grounded.
- (5) If the proposed small generator facility is single-phase and is to be interconnected on a center tap neutral of a 240 volt service line, its addition may not create a current imbalance between the two sides of the 240 volt service of more than 20 percent of the nameplate rating of the service transformer;

- (6) The proposed small generator facility's point of interconnection may not be on a transmission line; and
- (7) If the public utility's distribution circuit utilizes high speed reclosing with less than 2 seconds of interruption, the proposed generator may not be a synchronous machine.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:38. Tier 2 interconnection review procedures.** The applicant shall submit a tier 2 application and appropriate fees to the public utility at its designated address. Application forms are available from the commission. If available and not confidentially filed, the applicant may request the public utility provide it with previously approved interconnection applications to facilitate obtaining field tested status. The public utility may charge a nominal processing fee but may not unreasonably refuse to provide such information if requested.

Within 3 business days of receipt of the application, the public utility shall provide written acknowledgement of receipt and the start date of the review to determine if the application is complete. Within 10 business days of receipt of the application, the public utility shall inform the applicant the application is either complete or incomplete. If the application is incomplete, the public utility shall indicate missing information. If a complete application is not returned to the public utility within 30 days from the date the public utility sends notification to the applicant that the application is incomplete, the

application is considered withdrawn. In the event the applicant does not receive notification, the applicant may contact the public utility to determine the status of the application.

If the public utility does not have a record of receipt of the application, the applicant shall provide the public utility with an additional copy of the application. If the applicant can demonstrate that the original completed application was delivered to the public utility, the public utility shall determine if the application is complete or incomplete within 5 business days.

Once the public utility finds the application is complete, it shall assign the project a queue position. The queue position of each application is used to determine any potential adverse system impacts of the proposed small generator facility based on the relevant screening criteria. The parties shall proceed under the timeframes of this section to maintain queue position. The public utility may schedule a scoping meeting to notify the applicant about other higher-queued applications including FERC interconnection applications on the same radial line or spot network to which the applicant is seeking to interconnect.

Within 20 business days after the public utility notifies the applicant that it has received a completed interconnection request, or within a time period mutually agreed to by parties, the public utility shall:

- (1) Evaluate the application using the tier 2 evaluation and screening criteria;

- (2) Review any independent analysis that may be provided by the applicant using the same criteria, and;
- (3) Provide the applicant the results of its review, including a comparison of the results and the independent analysis provided by the applicant if applicable.

The public utility shall request supplemental or clarifying information if necessary in the process of evaluating the completed application. The time required for the receipt of the additional information may extend the time necessary to complete the review, but only to the extent of the time required for the receipt of the additional information. The public utility may not alter the applicant's queue position.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:39. Failure to meet tier 2 criteria – Minor modifications.** If the small generator facility fails to meet one or more of the tier 2 screening criteria, but the public utility determines that the small generator facility could be interconnected safely if minor modifications to the EDS were made, the public utility shall offer the applicant a non-binding, good faith estimate of the costs of the proposed minor modifications and proceed with the minor modifications if authorized by the applicant.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.



**20:10:36:40. Tier 2 application completion.** The tier 2 interconnection process is complete when:

- (1) All tier 2 screening criteria are satisfied and any minor EDS modifications are implemented;
- (2) The small generator facility installation is approved by an electric code inspector with jurisdiction over the interconnection;
- (3) The witness test, if conducted by the public utility, is successful;
- (4) The parties execute a certificate of completion; and
- (5) An interconnection agreement has been executed.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:41. Tier 2 application denial.** If the small generator facility's tier 2 application is not approved, the applicant may submit a new application, including the difference in the application fee or deposit, for consideration under tier 3 or tier 4 procedures without losing its original queue position. The new application must be submitted within 15 business days of notice that the application was not approved. If requested, the public utility shall provide a written explanation of why the application was not approved.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:42. Tier 3 interconnection.** The public utility shall use the tier 3 interconnection review procedures for an application that does not qualify for tier 1 or tier 2 review and meets the following requirements:

- (1) The small generator facility has an electric nameplate capacity rating of 2 megawatts or less;
- (2) The proposed point of interconnection is not to a transmission line; and
- (3) The small generator facility does not export power beyond the point of interconnection and utilizes low forward power relays or other protection functions that prevent power flow onto the EDS.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:43. Tier 3 interconnection screening criteria.** A tier 3 small generator facility meeting all tier 3 evaluation and screening criteria shall be further evaluated using tier 2 evaluation and screening criteria, except that the 15 percent tier 2 screen does not apply to tier 3 small generator facilities.

Tier 3 interconnections do not require an interconnection feasibility study. However, the public utility may choose to conduct such a study at its own expense, and it must complete the interconnection feasibility study within 25 calendar days.

For a small generator facility to interconnect to the load side of an area network distribution circuit, the following criteria must be met:

- (1) The electric nameplate capacity of the small generator facility is 50 kilowatts or less;
- (2) The proposed small generator facility utilizes a lab tested, inverter-based equipment package for interconnection;
- (3) The small generator facility utilizes low forward power relays or other protection functions that prevent power flow onto the area network;
- (4) The aggregated other generation on the area network, including FERC wholesale generators and FERC wholesale generators with a higher queue position, does not exceed the lesser of 5 percent of an area network's maximum load or 50 kilowatts; and
- (5) The interconnection uses only existing public utility facilities and the applicant's proposed facilities.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:44. Tier 3 interconnection alternate evaluation and screening criteria.** For a small generator facility to interconnect to a distribution circuit that is not networked, the following criteria shall be met for a tier 3 interconnection:

- (1) The small generator facility has an electric nameplate capacity of 10 megawatts or less;
- (2) The aggregated total of the electric nameplate capacity of all of the generators on the circuit, including existing FERC wholesale generators, FERC wholesale generators with a higher queue position, and the proposed small generator facility, is 10 megawatts or less;
- (3) The small generator facility does not export power beyond the point of interconnection and employs reverse power relays or other protection functions that prevent power flow onto the EDS;
- (4) The small generator facility's proposed interconnection is to a radial distribution circuit;
- (5) The small generator facility is not served by a shared transformer;
- (6) The interconnection will use only existing public utility facilities and the applicant's proposed facilities; and
- (7) If the public utility's distribution circuit utilizes high speed reclosing with less than 2 seconds of interruption, the proposed generator may not be a synchronous machine.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:45. Tier 3 interconnection review process.** The applicant shall submit a tier 3 application and appropriate fees to the public utility at its designated address. Application forms are available from the commission.

Within 3 business days of receipt of the application, the public utility shall provide written acknowledgement of receipt and the start date of the review to determine if the application is complete. Within 10 business days of receipt of the application, the public utility shall inform the applicant that the application is either complete or incomplete. In the event the applicant does not receive notification within 10 business days, the applicant may contact the public utility to determine the status of the application. If the application is incomplete, the public utility shall indicate the missing information. If a complete application is not returned to the public utility within 30 days from the date the public utility sends notification to the applicant that the application is incomplete, the application is considered withdrawn.

If the public utility does not have a record of receipt of the application, the applicant shall provide the public utility with an additional copy of the application. If the applicant can demonstrate that the original completed application was delivered to the public utility, the public utility shall determine if the application is complete or incomplete within 5 business days.

Once the public utility finds the application is complete, it shall assign the project a queue position. The queue position of each application is used to determine any potential adverse system impacts of the proposed small generator facility based on the relevant screening criteria. The applicant must proceed under the timeframes of this

section. The public utility shall schedule a scoping meeting to notify the applicant about other higher-queued applications including FERC interconnection applications on the same radial line or area network to which the applicant is seeking to interconnect.

Within 20 business days after the public utility notifies the applicant that it has received a completed interconnection request or within a time period mutually agreed to by parties, the public utility shall:

- (1) Evaluate the application using the tier 3 screening criteria;
- (2) Review any independent analysis that may be provided by the applicant using the same criteria; and
- (3) Provide the applicant the results of its review, including a comparison of the results and the independent analysis provided by the applicant, if applicable.

If in the process of evaluating the interconnection request, the public utility determines that supplemental or clarifying information is required, the public utility shall request the information from the applicant. The time required for the receipt of the additional information may extend the time necessary to complete the review, but only to the extent of the time required for the receipt of the additional information. The public utility may not alter the applicant's queue position.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:46. Failure to meet tier 3 criteria – Minor modifications.** If the small generator facility fails to meet one or more of the tier 3 screening criteria, but the public utility determines that the small generator facility could likely be interconnected safely if minor modifications to the EDS were made, the utility shall offer the applicant a non-binding, good faith estimate of the costs of such proposed minor modifications and proceed with the minor modifications if authorized by the applicant.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:47. Tier 3 interconnection approval.** The public utility shall approve the tier 3 application if the public utility determines that the application:

- (1) Passes the tier 3 screening criteria; or
- (2) Fails one or more of the tier 3 screening criteria, or does not meet every approval requirement, but the public utility determines that the small generator facility can be interconnected safely and reliably after making modifications and the public utility has received authorization from the applicant to implement the minor modifications.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:48. Tier 3 interconnection denial.** If the small generator facility fails to pass the screening criteria or is not approved under a tier 3 review, the public utility

shall provide, at the request of the applicant, a written justification for denying the application.

If the small generator facility is not approved under a tier 3 review, the applicant may submit a new application, including the difference in the application fee or deposit, for consideration under tier 4 review procedures without losing its original queue position. The new application must be submitted within 15 business days of notice that the application was not approved. Any previous application fee or deposit shall be applied toward the tier 4 application fee.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:49. Tier 3 interconnection completion.** The tier 3 application process is complete when:

- (1) All tier 3 screening criteria are satisfied and any minor modifications to the EDS that may have been identified are implemented;
- (2) The small generator facility installation is approved by an electric code inspector with jurisdiction over the interconnection;
- (3) There is a successful completion of the witness test, if required;
- (4) The parties execute a certificate of completion; and
- (5) An interconnection agreement has been executed.



**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:50. Tier 4 interconnection.** The public utility shall use the tier 4 interconnection review procedures for an application that does not qualify for tier 1, tier 2, or tier 3 review and for which the small generator facility has an electric nameplate capacity that is ten megawatts or less. The public utility may not impose additional requirements.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:51. Tier 4 interconnection review procedures.** The applicant shall submit the appropriate tier 4 application and the application fees to the public utility at its designated address. Application forms are on file with the commission

Within 3 business days of receipt of the application, the public utility shall provide written acknowledgement of receipt and the start date of the review to determine if the application is complete. Within 10 business days of receipt of the application, the public utility shall inform the applicant that the application is either complete or incomplete. If the application is incomplete, the public utility shall indicate the missing information. If a complete application is not returned to the public utility within 30 days from the date the public utility sends notification to the applicant that the application is incomplete, the application is considered withdrawn.

If the public utility does not have a record of receipt of the application, the applicant shall provide the public utility with an additional copy of the application. If the applicant can demonstrate that the original completed application was delivered to the public utility, the public utility shall determine if the application is complete or incomplete within 5 business days.

.Once the public utility finds the application is complete, it shall assign the project a queue position unless a queue position was already assigned under a previous lower-tier application that was not approved. The queue position of each application is used to determine any potential adverse system impacts of the proposed small generator facility based on the relevant data contained in the application, the outcomes of the various studies, and the applicant's desired interconnection location.

If in the process of evaluating the completed application, the public utility determines supplemental or clarifying information is required, the public utility shall request the information. The time required for the receipt of the additional information may extend the time before the scoping meeting can be convened but only to the extent of the time required for the receipt of the additional information. The public utility may not alter the applicant's queue position. Supplemental or clarifying information can be provided in the scoping meeting.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:52. Tier 4 interconnection scoping meeting.** The public utility shall

schedule a tier 4 scoping meeting to notify the applicant about other higher-queued applications including FERC interconnection applications on the same radial line or area network to which the applicant is seeking to interconnect.

The meeting shall be held within 10 business days after the public utility has notified the applicant that the application is considered complete. The purpose of the meeting is to review the application, including any existing studies relevant to the application, such as the results from the tier 1, tier 2, or tier 3 screening criteria and studies or, if available, the applicant's analysis of the proposed interconnection using the same criteria as the public utility applies to the application. Parties are expected to bring to the scoping meeting such personnel, including system engineers and other resources, as may be reasonably required to accomplish the purpose of the meeting. The applicant shall maintain the assigned queue position regardless of the outcome of the scoping meeting if the additions or changes to the application can be rectified within 10 business days, or a period mutually agreed upon by the parties, from the date of notification. This meeting or any relevant time frames may be waived upon mutual agreement.

The scoping meeting should demonstrate or identify:

- (1) The need for further studies and a mutually agreeable study timeline based on the public utility's resources and workload;
- (2) Possible changes or modifications to the application to facilitate the interconnection or reduce costs; or

- (3) No changes are necessary and the public utility may proceed with the application without further studies.

If the parties agree at the scoping meeting that a study must be performed, the public utility shall provide the appropriate study agreement to the applicant. The agreement shall specify the study scope, a good faith, non-binding estimate of the cost to perform the study, and any study deposit. The applicant shall return an executed copy of the study agreement along with the required study deposit within 60 calendar days of receipt of the agreement, or as mutually agreed by the parties. Failure to return a signed contract shall be considered withdrawal of the application.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:53. Tier 4 interconnection feasibility study.** Upon receipt of the appropriately executed agreement and deposit, the public utility shall commence the tier 4 interconnection feasibility study. The study shall be completed within the timeline agreed to between the parties at the scoping meeting. The study shall evaluate the effects of the proposed small generator facility on the existing public utility and look for possible adverse system impacts. Feasibility study results may include:

- (1) Initial identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection;
- (2) Initial identification of any thermal overload or voltage limit violations resulting from the interconnection;

- (3) Initial review of grounding requirements and system protection; and
- (4) Description and estimated cost of interconnection facilities and system upgrades required to interconnect the small generator facility to the public utility in a safe and reliable manner.

If the applicant asks that the interconnection feasibility study evaluate multiple potential points of interconnection, the public utility shall perform the additional evaluations at the applicant's expense.

At a minimum, the interconnection feasibility study report shall:

- (1) State the underlying assumptions of the study;
- (2) Show the results of the analyses; and
- (3) Identify any possible adverse system impacts or other potential impacts;

If the interconnection feasibility study identifies possible adverse system impacts caused by the small generator facility, an interconnection system impact study is required.

The public utility shall contact the applicant to schedule an optional interconnection feasibility study results meeting to review the feasibility study report and discuss the identified possible adverse system impacts along with any other potential impacts. The parties may also mutually agree to adjust the study timeline determined at the scoping meeting based upon the interconnection feasibility study results.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:54. Tier 4 interconnection system impact study agreement.** Within 15 business days of the applicant's receipt of the tier 4 feasibility study results, the public utility shall, if necessary, provide the applicant with an interconnection system impact study agreement. The agreement shall specify an outline of the study scope, a good faith, non-binding estimate of the cost to perform the study, and any required study deposit. The applicant shall return an executed copy of the interconnection system impact study agreement along with the required study deposit within 60 calendar days of receipt of the agreement, or as mutually agreed to by the parties, or the application shall be considered withdrawn. A copy of an interconnection system impact study agreement is available from the commission.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:55. Tier 4 interconnection system impact study.** The public utility shall commence the tier 4 interconnection system impact study upon receipt of an executed interconnection system impact study agreement and study deposit. The study shall be completed within the timeline agreed to between the parties at the scoping meeting or interconnection feasibility study results meeting. The study must evaluate the adverse system impacts identified in the interconnection feasibility study, and study other potential impacts including those identified in the feasibility study results meeting

or scoping meeting.

The study shall consider all generating facilities that, on the date the interconnection system impact study is commenced, are directly interconnected with the public utility's system, have a pending higher queue position to interconnect to the system, or have a signed interconnection agreement.

At a minimum, the study may include a short circuit analysis, a stability analysis, a power flow analysis, voltage drop and flicker studies, protection and set point coordination studies, and grounding reviews.

The interconnection system impact study report shall:

- (1) State the underlying assumptions of the study;
- (2) Show the results of the analyses;
- (3) Identify any interconnection facilities and system upgrades required to allow the proposed interconnection to occur; and
- (4) Include a good faith, non-binding estimate of the identified interconnection facilities and system upgrades and an estimated delivery schedule.

If the applicant sponsored a separate independent system impact study, the public utility must also evaluate and address any alternative findings from that study at the applicant's expense.

If interconnection facilities or system upgrades are found to be necessary in the interconnection system impact study, an interconnection facilities study is required.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:56. Optional tier 4 interconnection system impact study results meeting.** The public utility shall contact the applicant to schedule an optional tier 4 interconnection system impact study results meeting to review the interconnection system impact study report and discuss the identified interconnection facilities and system upgrades. The parties may also mutually agree to adjust the study timeline determined at the scoping meeting based upon the interconnection system impact study results.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:57. Tier 4 interconnection facilities study agreement.** Within 15 business days from the applicant's receipt of the tier 4 interconnection systems impact study results, the public utility shall provide the applicant with an interconnection facilities study agreement, if applicable. The facilities study agreement shall specify the study scope, a good faith, non-binding estimate of the cost to perform the study, and any required study deposit. The applicant shall return an executed copy of the interconnection facilities study agreement along with the required study deposit within 60 calendar days of receipt of the agreement or as mutually agreed to by the parties, or the application shall be considered withdrawn. A copy of an interconnection facilities study agreement is available from the commission.



The public utility shall commence the interconnection facilities study upon receipt of an executed interconnection facilities study agreement and study deposit. The study shall be completed within the timeline agreed to between the parties at the scoping meeting or interconnection system impact study results meeting.

The interconnection facilities study shall evaluate the cost of equipment, engineering, procurement, and construction work, including overheads, needed to implement the interconnection of the proposed small generator facility as identified in the scoping meeting and any completed studies.

The interconnection facilities study shall specify:

- (1) The electrical switching configuration of the equipment, including, without limitation, transformer, switchgear, meters, and other station equipment;
- (2) The nature and estimated cost of the public utility's interconnection facilities;
- (3) The nature and estimated cost of system upgrades; and
- (4) A detailed estimate of the time required to procure materials and equipment and complete the construction and installation of the facilities.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:58. Tier 4 independent design and cost estimate.** The parties may agree to permit the applicant to separately arrange for a third party to design and

estimate the construction costs for the required tier 4 interconnection facilities. In such a case, the public utility shall review the design and cost estimates of the facilities under the provisions of the interconnection facilities study agreement. If the parties agree to separately arrange for design and construction estimates and comply with any security and confidentiality requirements, the public utility shall make all relevant information and required specifications available to the applicant at no cost in order to permit the applicant to obtain an independent design and cost estimate for the facilities to be built in accordance with such specifications.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:59. Tier 4 interconnection approval.** Upon completion of the tier 4 interconnection facilities study and execution of an agreement between the parties detailing progress billing, final billing, payment schedules, and deposit, the public utility shall approve the application.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:60. Tier 4 interconnection denial.** If the tier 4 application is denied, the public utility shall provide a written explanation explaining why the application was denied.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:61. Tier 4 interconnection completion.** The tier 4 interconnection is considered complete when:

- (1) All interconnection facilities and system upgrades are completed and operational;
- (2) The small generator facility installation is inspected and approved by the electric code inspector with jurisdiction over the interconnection;
- (3) There is a successful completion of the witness test, if conducted by a public utility;
- (4) The parties execute a certificate of completion; and
- (5) The parties execute an interconnection agreement.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:62. Jurisdictional small generator facilities rated over ten megawatts.** Jurisdictional small generator facilities rated over ten megawatts shall start with the tier 4 process and modify it as needed by mutual agreement. In addition, the over ten megawatts technical requirements shall start with the technical standards and modify the standards as needed by mutual agreement.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:63. Recordkeeping requirements.** The public utility shall keep records relating to all applications and small generator facilities for a period of three years. The public utility shall provide the records for commission inspection upon request. The public utility shall annually provide to the commission a list of each small generator facility that is interconnected to the public utility's EDS during the calendar year and shall include the size of the facility, the amount paid by the small generator to the public utility for interconnection, the date of the application, and the date the interconnection was completed. The report for the calendar year is due the following March 1.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:64. Metering.** The interconnection customer is responsible for the cost of the purchase, installation, operation, maintenance, testing, repair, and replacement of any special metering and data acquisition equipment considered necessary by the terms of the power purchase agreement. The public utility shall install, maintain, and operate the metering equipment. Parties shall be granted unrestricted access to the equipment as may be necessary for the purposes of conducting routine business.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:65. Monitoring.** A small generator facility of less than 25 kilowatts is not required to provide for remote monitoring of its electric output. A small generator

facility of 25 kilowatts or more may be required by the public utility to provide data monitoring points and remote monitoring of the facility's electric output. If the facility is 25 kilowatts to 250 kilowatts and remote monitoring is required by the public utility, the public utility may require the interconnection customer to pay the data monitoring points costs and the remote monitoring costs shall be paid by the public utility. If the facility is over 250 kilowatts and remote monitoring is required by the public utility, the public utility may require the interconnection customer to pay the costs of the data monitoring points and remote monitoring.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:66. Temporary disconnection due to emergency conditions.** The public utility or interconnection customer may temporarily disconnect the small generator facility from the utility's EDS at any time and for as long as reasonably necessary in the event of an emergency. If an emergency condition occurs, the public utility or the interconnection customer may immediately suspend interconnection service and temporarily disconnect the small generator facility. The public utility shall make a good faith effort to notify the interconnection customer with a small generator facility of 500 kilowatts or more as soon as possible when it becomes aware of an emergency condition that may reasonably be expected to affect the small generator facility operation. The interconnection customer shall make a good faith effort to notify the public utility promptly when it becomes aware of an emergency condition that may reasonably be expected to affect the public utility's EDS. To the extent information is

known, the notification shall describe the emergency condition, the extent of the damage or deficiency, the expected effect on the operation of both parties' facilities and operations, its anticipated duration, and the necessary corrective action.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:67. Temporary disconnection due to routine maintenance.** The public utility or interconnection customer may temporarily disconnect the small generator facility from the utility's EDS at any time and for as long as reasonably necessary in the event of an interruption caused by routine maintenance or construction and repair. The public utility or interconnection customer shall make good faith, reasonable efforts to provide at least five business days notice prior to interruption caused by routine maintenance or construction and repair to the small generator facility or public utility's EDS and shall use reasonable efforts to coordinate such interruption. If less than five days notice is given, the public utility or interconnection customer shall explain in its notice the reason for the shortened notice period.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:68. Temporary disconnection due to a forced outage of the EDS.** The public utility may temporarily disconnect the small generator facility from the utility's EDS at any time and for as long as reasonably necessary in the event of an interruption caused by a forced outage. The public utility shall use reasonable efforts to provide the

interconnection customer with prior notice of forced outages to effect immediate repairs to the EDS. If prior notice is not given, the public utility shall, upon request, provide the interconnection customer written documentation after the fact explaining the circumstances of the disconnection.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:69. Temporary disconnection due to adverse operating conditions.** The public utility may temporarily disconnect the small generator facility from its EDS at any time and for as long as reasonably necessary in the event of an interruption caused by adverse operating conditions.

If the public utility determines that operation of the small generator facility will likely cause disruption or deterioration of service to other customers served from the same electric system, or if operating the small generator facility could cause damage to the public utility's EDS, the public utility may disconnect the small generator facility under the procedures of this section.

The public utility shall provide the interconnection customer any supporting documentation used to reach the decision to disconnect upon request.

The interconnection customer shall remedy the adverse operating effect as soon as possible. The public utility may withhold interconnection services until the adverse effects are eliminated.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:70. Temporary disconnection due to unauthorized equipment modifications.** If the interconnection customer makes any change other than minor equipment modifications without prior written authorization of the public utility, the public utility has the right to temporarily disconnect the small generator facility from the utility's EDS at any time and for as long as reasonably necessary.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:71. Termination.** The interconnection customer may terminate the interconnection at any time by giving the public utility 20 business days' written notice.

Upon termination of the interconnection, any small generator facility interconnection equipment must be disconnected from the public utility's EDS at the interconnection customer's expense. The termination of the interconnection does not relieve either party of its liabilities and obligations owed or continuing at the time of the termination.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:72. Default.** Failure of a party to meet the obligations of this chapter or the interconnection agreement may constitute default. Upon a default, the non-defaulting party shall give written notice of the default to the defaulting party. The



defaulting party has 60 calendar days from receipt of the default notice to cure such default. If a default is not capable of being cured within 60 calendar days, the non-defaulting party has the right to terminate the interconnection agreement by written notice.

**Source:**

**General Authority:** SDCL 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-27, 49-34A-93.

**20:10:36:73. Dispute resolution.** Before filing a complaint with the commission, the public utility, applicant, or interconnection customer shall first provide the other party and commission staff with a written notice of dispute. The notice of dispute may describe in detail the nature of the dispute and a proposed resolution. If requested, commission staff may assist the parties in informal resolution. In the event the parties are unable to resolve the dispute within 30 calendar days or other period as the parties may agree upon by mutual agreement, the complaining party may formally file a complaint with the commission according to § 20:10:01:08.01.

**Source:**

**General Authority:** SDCL 49-34A-4, 49-34A-27, 49-34A-93.

**Law Implemented:** SDCL 49-34A-4, 49-34A-27, 49-34A-93.

**Application for Small Generator Facility Interconnection  
Tier 2, Tier 3 or Tier 4 Interconnection**

(See ARSD chapter 20:10:36 for the requirements for a Tier 2, Tier 3, or  
Tier 4 Interconnection.)

**Applicant/Interconnection Customer Contact Information:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone (Daytime): \_\_\_\_\_ (Evening): \_\_\_\_\_

Facsimile Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**Address of Customer Facility Where Small Generator Facility will be  
Interconnected:**

(if different from above)

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**System Installer/Consulting Engineer:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone (Daytime): \_\_\_\_\_ (Evening): \_\_\_\_\_

Facsimile Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**Electric Service Information for Applicant's Facility Where Generator Will Be  
Interconnected:**

Capacity: \_\_\_\_\_(Amps) Voltage: \_\_\_\_\_(Volts)

Type of Service: ☐ Single Phase ☐ Three Phase

If Three-Phase Transformer, Indicate Type: ☐ Wye ☐ Delta

**Requested Procedure Under Which to Evaluate Interconnection Request:**

Please indicate below which review procedure applies to the interconnection request.

☐ **Tier 2** - Certified interconnection equipment with an aggregate Electric Nameplate Capacity of 2 MW or less. Indicate type of certification below. The application fee amount is \_\_\_\_\_ (\$50 plus \$1 per KW of rated generation output up to a maximum of \$500).

☐ Lab Tested -- tested to IEEE 1547.1 and other specified standards by a nationally recognized testing laboratory and is appropriately labeled.

☐ Field Tested – an identical small generator facility has been approved by the Public Utility under a Tier 4 study review process within the prior 36 months of the date of this interconnection request.

☐ **Tier 3** – A Small Generator Facility connected to the EDS that does not export power. The Electric Nameplate Capacity rating must be 50 KW or smaller if connecting to an area network, or 2 MW or smaller if connecting to a radial distribution feeder. The application fee amount is \_\_\_\_\_ (\$100 plus \$2 per KW of rated generation output up to a maximum of \$1,000).

☐ **Tier 4** – Electric Nameplate Capacity rating is 10 MW or smaller and the Small Generator Facility does not qualify for a Tier 1, Tier 2, or Tier 3 review or has been reviewed but not approved under a Tier 1, Tier 2, or Tier 3 review. Application fee amount is \_\_\_\_\_ (\$100 plus \$2 per KW of rated generation output up to a maximum of \$1,000).

**Field Tested Equipment:**

If the field tested equipment box is checked above, please include with the completed application the following information which will be required for review of Tier 2 field tested small generator facilities:

- A copy of the Certificate of Completion, signed by the Public Utility that has approved an identical small generator facility for parallel operation.
- A copy of all documentation submitted to the Public Utility that approved the Small Generator Facility for parallel operation under a Tier 4 study process.
- A written statement by the Applicant indicating that the small generator facility being proposed is identical, except for Minor Equipment Modification, to the one previously approved by the Public Utility for parallel operation.
- If a Tier 2 Application utilizing Field Tested equipment is proposed, the remainder of the application will not be required to be completed.

**Small Generator Facility Information:**

**List interconnection components/system(s) to be used in the Small Generation Facility that is lab certified (required for Lab Tested, Tier 2 Interconnection requests only).**

Component/System

NRTL Providing Label & Listing

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

*Please provide copies of manufacturer brochures or technical specifications.*

**Energy Production Equipment/Inverter Information:**

☐ Synchronous    ☐ Induction    ☐ Inverter    ☐ Other \_\_\_\_\_

Electric Nameplate Rating: \_\_\_\_\_ KW    \_\_\_\_\_ kVA

Rated Voltage: \_\_\_\_\_ Volts

Rated Current: \_\_\_\_\_ Amps

System Type Tested (Total System): ☐ Yes    ☐ No (attach product literature)

**For Synchronous Machines:**

Manufacturer: \_\_\_\_\_

Model No.: \_\_\_\_\_ Version No.: \_\_\_\_\_

Submit copies of the Saturation Curve and the Vee Curve.

☐ Salient    ☐ Non-Salient

Torque: \_\_\_\_\_ lb-ft    Rated RPM: \_\_\_\_\_

Field Amperes: \_\_\_\_\_ at rated generator voltage and current and \_\_\_\_\_ % PF over-excited

Type of Exciter: \_\_\_\_\_

Output Power of Exciter: \_\_\_\_\_

Type of Voltage Regulator: \_\_\_\_\_

Locked Rotor Current: \_\_\_\_\_ Amps

Synchronous Speed: \_\_\_\_\_ RPM

Winding Connection: \_\_\_\_\_

Min. Operating Frequency/Time: \_\_\_\_\_

Generator Connection: ☐ Delta    ☐ Wye    ☐ Wye Grounded

Direct-axis Synchronous Reactance: (Xd) \_\_\_\_\_ ohms

Direct-axis Transient Reactance: (X'd) \_\_\_\_\_ ohms

Direct-axis Sub-transient Reactance: (X''d) \_\_\_\_\_ ohms

**For Induction Machines:**

Manufacturer: \_\_\_\_\_

Model No.: \_\_\_\_\_ Version No.: \_\_\_\_\_

Locked Rotor Current: \_\_\_\_\_ Amps

Rotor Resistance: (Rr) \_\_\_\_\_ ohms    Exciting Current: \_\_\_\_\_ Amps

Rotor Reactance: (Xr) \_\_\_\_\_ ohms    Reactive Power Required: \_\_\_\_\_  
Magnetizing Reactance: (Xm) \_\_\_\_\_ ohms    VARs (No Load)  
Stator Resistance: (Rs) \_\_\_\_\_ ohms    VARs (Full Load)  
Stator Reactance: (Xs) \_\_\_\_\_ ohms  
Short Circuit Reactance: (X'd) \_\_\_\_\_ ohms  
Phase: ☐ Single ☐ Three-Phase  
Frame Size: \_\_\_\_\_ Design Letter: \_\_\_\_\_ Temp. Rise: \_\_\_\_\_ °C.

**Reverse Power Relay Information: (This section applies to Tier 3 Review only.)**

Manufacturer: \_\_\_\_\_ Model: \_\_\_\_\_  
Electric Nameplate Capacity rating: (kVA) \_\_\_\_\_

**Additional Information For Inverter Based Facilities:**

**Inverter Information:**

Manufacturer: \_\_\_\_\_ Model: \_\_\_\_\_  
Type: ☐ Forced Commutated    ☐ Line Commutated  
Electric Nameplate Capacity Rated Output: \_\_\_\_\_ Amps    \_\_\_\_\_ Volts  
\_\_\_\_\_ KW  
Efficiency: \_\_\_\_\_ %    Power Factor: \_\_\_\_\_ %

**DC Source / Prime Mover:**

☐ Solar    ☐ Wind    ☐ Hydro    ☐ Other \_\_\_\_\_  
Electric Nameplate Capacity Rating: \_\_\_\_\_ KW    Rating: \_\_\_\_\_ kVA  
Rated Voltage: \_\_\_\_\_ Volts  
Open Circuit Voltage (if applicable): \_\_\_\_\_ Volts  
Rated Current: \_\_\_\_\_ Amps  
Short Circuit Current (If applicable): \_\_\_\_\_ Amps

**Other Facility Information:**

Is Facility a Qualified Facility?    Yes ☐    No ☐  
If yes, has Applicant completed FERC's "Notice of Self Certification"?    Yes ☐    No ☐  
Verification Number Received from FERC: \_\_\_\_\_  
One Line Diagram attached: ☐ Yes    ☐ No  
Plot Plan attached: ☐ Yes    ☐ No  
Installation Test Plan attached: ☐ Yes    ☐ No  
Estimated Commissioning Date (if known): \_\_\_\_\_

Applicant Signature:

I hereby certify that all of the information provided in this application request form is correct.

Applicant Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

An application fee is required before the application can be processed. Please verify that the appropriate fee is included with the application:

**Application fee included:** ☐

Amount \_\_\_\_\_

### **Tier 2, 3, or 4 Interconnection Request Acknowledgement**

I hereby acknowledge the receipt of an Interconnection Request and Application Fee.

Approval for a Tier 2, Tier 3, or Tier 4 Small Generator Facility interconnection is contingent upon the Applicant's Small Generator Facility passing the screens and completing the review process set forth in ARSD chapter 20:10:36 and is not granted by the Public Utility's signature on this Application form.

Public Utility Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Note: The Public Utility shall retain a copy of this completed and signed form and return the original and any attachments to the Applicant.

## Interconnection Facilities Study Agreement

This agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between \_\_\_\_\_, a \_\_\_\_\_ (corporation/limited liability company organized and existing under the laws of the State of \_\_\_\_\_, or an individual) ("Applicant") and \_\_\_\_\_, a \_\_\_\_\_ existing under the laws of the State of \_\_\_\_\_ ("Public Utility"). Applicant and Public Utility each may be referred to as a "Party," or collectively as the "Parties."

### Recitals:

**Whereas**, Applicant is proposing to develop a Small Generating Facility or adding generating capacity to an existing Small Generating Facility consistent with the Application completed by the Applicant on \_\_\_\_\_;

**Whereas**, The Applicant desires to interconnect the Small Generating Facility with the Public Utility's Electric Distribution System ("EDS");

**Whereas**, The Public Utility has completed an Interconnection System Impact Study and provided the results of the study to the Applicant; and

**Whereas**, The Applicant has requested the Public Utility to perform an Interconnection Facilities Study to specify and estimate the cost of the equipment, engineering, procurement, and construction work needed to implement the conclusions of the Interconnection System Impact Study in accordance with Good Utility Practice to physically and electrically connect the Small Generating Facility to the Public Utility's EDS.

**Now, therefore**, in consideration of and subject to the mutual covenants contained herein the Parties agree as follows:

1. When used in this Agreement with initial capitalization, the terms specified shall have the meanings given in the SD Public Utilities Commission's rules, ARSD chapter 20:10:36.
2. Interconnection Customer and Public Utility shall proceed with an Interconnection Facilities Study consistent with the SD Public Utilities Commission's rules.
3. The Applicant will provide the data requested in Section 2 of this form. The scope of the Interconnection Facilities Study shall be subject to this data.
4. The Public Utility may require a 50% study deposit.



5. The Interconnection Facilities Study shall be completed and the results transmitted to the Applicant within a timeline as agreed to between the parties under the process prescribed in the Commission's rules, ARSD chapter 20:10:36.

6. Cost allocation for studies shall be done according to the SD Public Utilities Commission's rules, ARSD chapter 20:10:36.

In witness whereof, the Parties have caused this agreement to be duly executed by their duly authorized officers or agents on the day and year first above written:

[Insert name of the Public Utility]

Signed \_\_\_\_\_

Name (Printed): \_\_\_\_\_ Title: \_\_\_\_\_

[Insert name of the Applicant]

Signed \_\_\_\_\_

Name (Printed): \_\_\_\_\_ Title: \_\_\_\_\_

**Section 2 to the Interconnection Facilities Study Agreement**  
**Data To Be Provided by Applicant With the Interconnection Facilities Study Agreement**

Provide location plan and simplified one-line diagram of the plant and station facilities.

For staged projects, please indicate future generation, distribution circuits, etc. On the one-line diagram, indicate the generation capacity attached at each metering location (maximum load on CT/PT).

On the one-line diagram, indicate the location of auxiliary power (minimum load on CT/PT), Amps.

One set of metering is required for each generation connection to the new or existing Public Utility station.

Number of generators: \_\_\_\_\_

Number of generation connections: \_\_\_\_\_

Will an alternate source of auxiliary power be available during CT/PT maintenance?

Yes \_\_\_\_\_ No \_\_\_\_\_

Will a transfer bus on the generation side of the metering require that each meter set be designed for the total plant generation?

Yes \_\_\_\_\_ No \_\_\_\_\_ (Please indicate on the one-line diagram.)

What type of control system or PLC will be located at the Generating Facility?

\_\_\_\_\_

What protocol does the control system or PLC use?

\_\_\_\_\_

Please provide a 7.5-minute quadrangle map of the site. Indicate the plant, station, distribution line, and property lines.

Physical dimensions of the proposed interconnection station:

\_\_\_\_\_

Bus length(s) from generation to interconnection station:

\_\_\_\_\_

Line length from interconnection station to the Public Utility's EDS:

\_\_\_\_\_

Tower number observed in the field (painted on tower leg):

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Number of third party easements required for interconnection facilities:

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**To be completed in coordination with Public Utility**

Is the Small Generating Facility located in Public Utility's service area?

Facility Location: \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

If No, please provide name of local provider:

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Please provide the following proposed schedule dates:

Begin Construction Date: \_\_\_\_\_

Generator Step-Up Transformers Receive Back Feed Power Date: \_\_\_\_\_

Generation Testing Date: \_\_\_\_\_

Commercial Operation Date: \_\_\_\_\_

## Interconnection Feasibility Study Form Agreement

This agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between \_\_\_\_\_, a \_\_\_\_\_ (corporation/limited liability company organized and existing under the laws of the State of \_\_\_\_\_, or an individual) ("Applicant") and \_\_\_\_\_, a \_\_\_\_\_ existing under the laws of the State of \_\_\_\_\_ ("Public Utility"). Applicant and Public Utility each may be referred to as a "Party," or collectively as the "Parties."

### Recitals:

**Whereas**, The Applicant is proposing to develop a Small Generating Facility or adding generating capacity to an existing Small Generating Facility consistent with the Application completed by Interconnection Customer on \_\_\_\_\_;

**Whereas**, Applicant desires to interconnect the Small Generating Facility with the Public Utility's Electric Distribution System ("EDS"); and

**Whereas**, Applicant has requested the Public Utility to perform an Interconnection Feasibility Study to assess the feasibility of interconnecting the proposed Small Generating Facility to the Public Utility's EDS;

**Now, therefore**, in consideration of and subject to the mutual covenants contained herein the Parties agree as follows:

1. When used in this Agreement with initial capitalization, the terms specified shall have the meanings given in the SD Public Utilities Commission's rules, ARSD chapter 20:10:36.
2. Interconnection Customer elects and Public Utility shall cause to be performed an Interconnection Feasibility Study consistent with the SD Public Utilities Commission's rules.
3. The Applicant will provide the data requested in Section 2 of this form. The scope of the Interconnection Feasibility Study shall be subject to the assumptions set in the rules and detailed in this agreement form.
4. The Interconnection Feasibility Study shall be based on the technical information provided by the Applicant in its Application, as may be modified as the result of the Scoping Meeting. The Public Utility reserves the right to request additional technical information from Interconnection Customer as reasonably becomes necessary consistent with Good Utility Practice during the course of the Interconnection Feasibility Study. If, in the course of the Study, the Applicant finds it necessary to modify the Application, the time to complete the Interconnection Feasibility Study may be extended by mutual agreement of the Parties.

5. In performing the study, the Public Utility will rely, to the extent reasonably practicable, on existing studies of recent vintage. The Applicant will not be charged for such existing studies.

6. The Interconnection Feasibility Study shall be completed and the results transmitted to Interconnection Customer within a timeline agreed to by the parties under the process prescribed in the Commission's rules, ARSD chapter 20:10:36.

In witness whereof, the Parties have caused this agreement to be duly executed by their duly authorized officers or agents on the day and year first above written:

[Insert name of Public Utility]

Signed \_\_\_\_\_  
Name (Printed): \_\_\_\_\_ Title: \_\_\_\_\_

[Insert name of Applicant]

Signed \_\_\_\_\_  
Name (Printed): \_\_\_\_\_ Title: \_\_\_\_\_

**Section 2: Interconnection Feasibility Study Agreement**  
**Assumptions Used in Conducting the Interconnection Feasibility Study**

The Interconnection Feasibility Study will be based upon the information set forth in the Application and agreed upon in the Scoping Meeting held on \_\_\_\_\_.

1. Designation of Point of Interconnection and configuration to be studied.

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2. Designation of alternative Points of Interconnection and configuration.

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Note: 1 and 2 are to be completed by the Applicant. Any other assumptions (listed below) are to be provided by the Applicant or the Public Utility.

**Interconnection Equipment Specifications, Initial Setting Assumptions, and Operating Assumptions \***

**Address of Facility**

Date: \_\_\_\_\_

**Other Facility Information**

Isolation Device Type/ Location: \_\_\_\_\_

Grounding Configuration: \_\_\_\_\_

Initial Commissioning Date: \_\_\_\_\_

**Switchgear/Circuit Interruption Devices**

Switchgear type and control: (used to bring generator on line)

Circuit Breakers: ☐ Closed-transition      ☐ Open-transition      ☐ Auto Transfer  
Switch

Nameplate: \_\_\_\_\_

**Initial Set Points at Point of Interconnection**

Voltage: \_\_\_\_\_ kVAr: \_\_\_\_\_

Power factor: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

**Trip Re-start Protocol**

Reclosing Practice: \_\_\_\_\_

Hold out time: \_\_\_\_\_

Ramp Rate: \_\_\_\_\_

Notification required: ☐ Yes ☐ No

**Small Generator Facility Interconnection  
Certificate of Completion Form**

**Applicant Information**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone (Daytime): \_\_\_\_\_ (Evening): \_\_\_\_\_  
Fax number: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

**Installer**

Check if owner-installed: ☐

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone (Daytime): \_\_\_\_\_ (Evening): \_\_\_\_\_  
Facsimile number: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

**Final Electric Inspection and Applicant Signature**

The Small Generator Facility is complete and has been approved by the local electric inspector having jurisdiction. A signed copy of the electric inspector's form indicating final approval is attached. The Interconnection Customer acknowledges that the Small Generator Facility is not ready for operation until receipt of the final acceptance and approval by the Public Utility as provided below.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Signature of Applicant)*

**Printed Name:** \_\_\_\_\_

Check if copy of signed electric inspection form is attached: ☐



**Acceptance and Final Approval of Interconnection Installation**

The interconnection installation is approved and the Small Generator Facility is approved for operation under the terms and conditions of the Public Utilities Commission's rules found at ARSD chapter 20:10:36 and a duly signed and executed Interconnection Agreement.

Public Utility waives Witness Test? *(Initial)* Yes (\_\_\_\_\_) No (\_\_\_\_\_)

If not waived, date of successful Witness Test: \_\_\_\_\_ Passed: *(Initial)* (\_\_\_\_\_)

Public Utility Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

The interconnection shall not be deemed complete and ready for operation until the Applicant has completed this form, secured the necessary attachments and signatures, and returned a copy to the Public Utility at the Public Utility's designated address.

**Small Generator Facility  
Tier 1 Interconnection Request Application Form**

(See ARSD chapter 20:10:36 for the requirements for a Tier 1  
Interconnection.)

**Applicant/Interconnection Customer Contact Information:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone (Daytime): \_\_\_\_\_ (Evening): \_\_\_\_\_

Facsimile Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**System Installer:**

Check if Owner Installed ☐

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone (Daytime): \_\_\_\_\_ (Evening): \_\_\_\_\_

Facsimile Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**Small Generator Facility Information:**

Location (if different from above):

Public Utility: \_\_\_\_\_

Account Number (existing Public Utility customer): \_\_\_\_\_

Proposed Operation Mode: Qualified Facility ☐ Other ☐

Number of Generators: \_\_\_\_\_

Inverter Manufacturer: \_\_\_\_\_ Model: \_\_\_\_\_

Inverter Electric Nameplate Capacity: \_\_\_\_ (KW) \_\_\_\_ (kVA)

Inverter Electrical Connection: \_\_\_\_ (AC Volts) Phase: Single ☐ Three ☐

System Design Capacity: \_\_\_\_\_ (KW) \_\_\_\_\_ (kVA)

Prime Mover: Photovoltaic ☐ Reciprocating Engine ☐ Fuel Cell ☐

Turbine ☐ Other \_\_\_\_\_

Energy Source: Solar ☐ Wind ☐ Hydro ☐ Diesel ☐ Natural Gas ☐

Fuel Oil ☐ Other \_\_\_\_\_

Is the inverter lab certified? Yes ☐ No ☐

(If yes, attach manufacturer's cut sheet showing listing and label information from the appropriate listing authority, e.g. UL 1741 listing. If no, facility does not qualify for Tier 1 consideration. Refer to the Public Utilities Commission's rules found in ARSD chapter 20:10:36 for details.)

Estimated Commissioning Date: \_\_\_\_\_

Applicant Signature:

I hereby attest that the information submitted on this application is accurate to the best of my knowledge and have included the application fee of \$50 with my Tier 1 Interconnection Request:

Applicant Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Application fee (\$50) included:** ☐

### **Tier 1 Interconnection Request Acknowledgement**

Receipt of the application and application fee is hereby acknowledged.

Approval for a Tier 1 Small Generator Facility interconnection is contingent upon the Applicant's Small Generator Facility passing the Tier 1 screens and completion of the review process set forth in ARSD chapter 20:10:36 and is not granted by the Public Utility's signature on this Application form.

Public Utility Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Indicate whether Public Utility plans to perform Witness Test:

Yes ☐ No ☐

Note: The Public Utility shall retain a copy of this completed and signed form and return the original and any attachments to the Applicant.

**Interconnection Agreement for Small Generator Facility  
Tier 1, Tier 2, Tier 3, or Tier 4 Interconnection  
(Small Generator Facilities with Electric Nameplate Capacities  
of 10 MW or smaller)**

This agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
by and between \_\_\_\_\_,  
a \_\_\_\_\_ (corporation/limited liability company organized and  
existing under the laws of the State of \_\_\_\_\_, or an individual) ("Applicant")  
and \_\_\_\_\_, a \_\_\_\_\_  
existing under the laws of the State of \_\_\_\_\_, (Public Utility).  
Applicant and Public Utility each may be referred to as a "Party," or collectively as the  
"Parties."

**Recitals:**

**Whereas**, the Applicant is proposing to develop a Small Generator Facility, or to add  
generating capacity to an existing Small Generator Facility, consistent with the Application  
completed on \_\_\_\_\_;

**Whereas**, the Applicant desires to interconnect the Small Generator Facility with the  
Public Utility's Electric Distribution System ("EDS"); and

**Whereas**, the Agreement shall be used for all approved Tier 1, Tier 2, Tier 3, and Tier 4  
Applications according to the procedures set forth in South Dakota Public Utilities  
Commission's ("Commission") rules, ARSD chapter 20:10:36. Terms with initial  
capitalization, when used in this Agreement, shall have the meanings given in such rules  
and, to the extent this Agreement conflicts with the rules, the rules shall take precedence.

**Now, therefore**, in consideration of and subject to the mutual covenants contained herein,  
the Parties agree as follows:

**Article 1.      Scope and Limitations of Agreement**

**1.1      Scope**

The Agreement establishes standard terms and conditions approved by the  
Commission under which the Small Generator Facility with a Name Plate  
Capacity of 10 MW or smaller will interconnect to, and operate in Parallel with,  
the Public Utility's EDS. Additions, deletions, or changes to the standard terms  
and conditions of an Interconnection Agreement will not be permitted unless they  
are mutually agreed to by the Parties or approved by the Commission if required  
by the rules.

**1.2      Power Purchase**

The Agreement does not constitute an agreement to purchase or deliver the  
Applicant's power nor does it constitute an electric service agreement.

### **1.3 Other Agreements**

Nothing in the Interconnection Agreement is intended to affect any other agreement between the Public Utility and the Applicant or another Interconnection Customer. However, in the event that the provisions of the Agreement are in conflict with the provisions of other Public Utility tariffs, the Public Utility tariff shall control.

### **1.4 Attachments to Interconnection Agreement**

An Operations and Maintenance Schedule shall be attached to the Interconnection Agreement and the Applicant shall adhere to that schedule. Either Party may require that any of the following attachments be included as part of the Interconnection Agreement: (a) description of contingent facilities; (b) description of the project; (c) a billing schedule; (d) a list of non-binding milestones for each party; (e) scope of work; (f) operational guidelines; and (g) list of major permits needed by the Applicant.

### **1.5 Responsibilities of the Parties**

The Parties shall perform all obligations of the Agreement in accordance with all applicable laws and rules.

The Applicant will construct, own, operate, and maintain its Small Generator Facility in accordance with the Agreement, IEEE Standard 1547 (2003 ed.), the most currently adopted National Electric Code, state and federal law, and all other applicable standards required by the Commission. Each Party shall be responsible for the safe installation, maintenance, repair, and condition of their respective lines and appurtenances on their respective sides of the Point of Interconnection. Each Party shall provide Interconnection Facilities that adequately protect the other Parties' facilities, personnel, and other persons from damage and injury.

The allocation of responsibility for the design, installation, operation, maintenance, and ownership of Interconnection Facilities is prescribed in the Commission's rules, ARSD chapter 20:10:36.

### **1.6 Parallel Operation and Maintenance Obligations**

Once the Small Generator Facility has been authorized to commence Parallel Operation by execution of the Interconnection Agreement, the Applicant will abide by all written provisions for operation and maintenance as required by the Public Utility.

### **1.7 Power Quality**

The Applicant will design its Small Generator Facility to maintain a composite power delivery at continuous rated power output at the Point of Interconnection that meets the requirements set forth in IEEE 1547. Any special operating requirements will be detailed in an attached form. Under no circumstances shall

these additional requirements for voltage or reactive power support exceed the normal operating capabilities of the Small Generator Facility.

## **Article 2.            Inspection, Testing, Authorization, and Right of Access**

### **2.1     Testing and Inspection**

Applicant will test and inspect its Small Generator Facility and Interconnection Facilities prior to interconnection in accordance with IEEE 1547 Standards as provided for in the rules. The Interconnection will not be final until the Witness Test and Certificate of Completion provisions in the rules have been satisfied. Operation of the Small Generator Facility requires an Interconnection Agreement; electricity sales require a Power Purchase Agreement.

To the extent that an Applicant decides to conduct interim testing of the Small Generator Facility prior to the Witness Test, it may request that the Public Utility observe these tests and that these tests be deleted from the final Witness Test. If the Public Utility sends qualified personnel to the Small Generator Facility to observe such interim testing, it will be doing so at its own expense.

### **2.2     Right of Access:**

The Public Utility will have access to the Applicant's premises, at no cost, for any reasonable purpose in connection with the Interconnection Application and any Interconnection Agreement that is entered into pursuant to the rules or if necessary to meet the legal obligation to provide service to its customers. Access will be requested at reasonable hours and upon reasonable notice, or at any time without notice in the event of an emergency or hazardous condition.

## **Article 3.            Effective Date, Term, Termination, and Disconnection**

### **3.1     Effective Date**

The Agreement shall become effective upon execution by the Parties.

### **3.2     Term of Agreement**

The Agreement will be effective on the Effective Date and will remain in effect for a period of twenty (20) years or a period mutually agreed to by Parties, unless terminated earlier by default of either Party or voluntary termination by the Interconnection Customer or by action of the Commission.

### **3.3     Termination**

The Applicant may terminate this Agreement at any time by giving the Public Utility twenty (20) business days written notice. Either Party may terminate this Agreement after default. The Commission may order termination of this Agreement. Upon termination of this Agreement, the Small Generator Facility will be disconnected from the Public Utility's EDS at the Applicant's expense. The termination of this Agreement will not relieve either Party of its liabilities and

obligations, owed or continuing at the time of the termination. The provisions of this Article shall survive termination or expiration of this Agreement.

### **3.4 Restoration of Interconnection When Disconnected**

The Parties shall cooperate with each other to restore the Small Generator Facility, Interconnection Facilities, and Public Utility's EDS to their normal operating state as soon as reasonably practicable following any disconnection pursuant to the rules.

## **Article 4. Cost Responsibility and Billing**

The Applicant is responsible for the application fee and for such facilities, equipment, modifications, and upgrades identified under the process prescribed in the Commission's rules, ARSD chapter 20:10:36.

### **4.1 Minor EDS Modifications**

The Applicant will bear the costs of making Minor Modifications as may be necessary to gain approval of an Application.

### **4.2 Interconnection Facilities**

When necessary under the process prescribed in the Commission's rules, ARSD chapter 20:10:36, the Public Utility will identify the Interconnection Facilities necessary to safely interconnect the Small Generator Facility with the Public Utility. The Public Utility will itemize the Interconnection Facilities for the Applicant, including the cost of the facilities and the time required to build and install those facilities. The Applicant is responsible for the cost of the Interconnection Facilities.

### **4.3 Interconnection Equipment**

The Applicant is responsible for all reasonable expenses, including overheads, associated with owning, operating, maintaining, repairing, and replacing its Interconnection Equipment.

### **4.4 System Upgrades**

The Public Utility will design, procure, construct, install, and own any System Upgrades under the process prescribed in the Commission's rules, ARSD chapter 20:10:36. The actual cost of the System Upgrades, including overheads, will be directly assigned to the Applicant. An Interconnection Customer may be entitled to financial compensation from other utility Interconnection Customers who, in the future, benefit from the System Upgrades paid for by the Interconnection Customer. Such compensation will be governed by separate rules promulgated by the Commission or by terms of a tariff filed and approved by the Commission. Such compensation will only be available to the extent provided for in the separate rules or tariff.

### **4.5 Adverse System Impact**



The Public Utility is responsible for identifying Adverse System Impacts on any Affected Systems and for determining what mitigation activities or upgrades may be required to accommodate a Small Generator Facility. The actual cost of any actions taken to address the Adverse System Impacts, including overheads, shall be directly assigned to the Applicant. The Applicant may be entitled to financial compensation from other utility Interconnection Customers or other Interconnection Customers who, in the future, utilize the upgrades paid for by the Applicant, to the extent allowed by the Commission.

#### **4.6 Billings**

The Public Utility may require a deposit of not more than 50% of the cost estimate, not to exceed \$1000 for small generator facilities proposing to interconnect 500 kilowatts or less, to be paid up front by the Applicant for studies necessary to complete an Application and to interconnect to the EDS under the process prescribed in the Commission's rules, ARSD chapter 20:10:36. The Public Utility may require a deposit of no more than 50% of the estimated costs, not to exceed \$10,000 for small generators proposing to interconnect 500 kilowatts or less, for Interconnection Facilities necessary to complete an Application and to interconnect to the EDS under the process prescribed in the Commission's rules, ARSD chapter 20:10:36. Progress billing, final billing, and payment schedules must be agreed to by Parties prior to commencing work.

### **Article 5. Assignment, Liability, Indemnity, Force Majeure, Consequential Damages, and Default**

#### **5.1 Assignment**

The Interconnection Agreement may be assigned by either Party upon fifteen (15) business days prior written notice. Except as provided in Articles 5.1.1 and 5.1.2, said assignment shall only be valid upon the prior written consent of the non-assigning Party, which consent shall not be unreasonably withheld.

- 5.1.1 Either Party may assign the Agreement without the consent of the other Party to any affiliate (which shall include a merger of the Party with another entity), of the assigning Party with an equal or greater credit rating and with the legal authority and operational ability to satisfy the obligations of the assigning Party under this Agreement.
- 5.1.2 The Applicant shall have the right to assign the Agreement, without the consent of the Public Utility, for collateral security purposes to aid in providing financing for the Small Generator Facility. For Small Generator systems that are integrated into a building facility, the sale of the building or property will result in an automatic transfer of this agreement to the new owner who shall be responsible for complying with the terms and conditions of this Agreement.
- 5.1.3 Any attempted assignment that violates this Article is void and ineffective. Assignment shall not relieve a Party of its obligations, nor shall a Party's obligations be enlarged, in whole or in part, by reason thereof. An

assignee is responsible for meeting the same obligations as the Applicant.

## **5.2 Limitation of Liability and Consequential Damages**

A Party is liable for any loss, cost claim, injury, or expense including reasonable attorney's fees related to or arising from any act or omission in its performance of the provisions of an Interconnection Agreement entered into pursuant to the rules. Neither Party will seek redress from the other Party in an amount greater than the amount of direct damage actually incurred.

## **5.3 Indemnity**

- 5.3.1 This provision protects each Party from liability incurred to third parties as a result of carrying out the provisions of the Agreement. Liability under this provision is exempt from the general limitations on liability found in Article 5.2.
- 5.3.2 The Parties shall at all times indemnify, defend, and hold the other Party harmless from any and all damages, losses, claims, including claims and actions relating to injury to or death of any person or damage to property, demand, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from the other Party's action or failure to meet its obligations under this Agreement on behalf of the indemnifying Party, except in cases of gross negligence or intentional wrongdoing by the indemnified Party.
- 5.3.3 If an indemnified person is entitled to indemnification under this Article as a result of a claim by a third party, and the indemnifying Party fails, after notice and reasonable opportunity to proceed under this Article, to assume the defense of such a claim, such indemnified person may at the expense of the indemnifying Party contest, settle, or consent to the entry of any judgment with respect to, or pay in full, such claim.
- 5.3.4 If an indemnifying party is obligated to indemnify and hold any indemnified person harmless under this Article, the amount owing to the indemnified person shall be the amount of such indemnified person's actual loss, net of any insurance or other recovery.
- 5.3.5 Promptly after receipt by an indemnified person of any claim or notice of the commencement of any action or administrative or legal proceeding or investigation as to which the indemnity provided for in this Article may apply, the indemnified person shall notify the indemnifying party of such fact. Any failure of or delay in such notification shall not affect a Party's indemnification obligation unless such failure or delay is materially prejudicial to the indemnifying party.

## **5.4 Consequential Damages**

With the exception of third party claims, neither Party shall be liable to the other Party, under any provision of the Agreement, for any losses, damages, costs, or

expenses for any special, indirect, incidental, consequential, or punitive damages, including but not limited to loss of profit or revenue, loss of the use of equipment, cost of capital, cost of temporary equipment or services, whether based in whole or in part in contract, in tort, including negligence, strict liability, or any other theory of liability; provided, however, that damages for which a Party may be liable to the other Party under another agreement will not be considered to be special, indirect, incidental, or consequential damages hereunder.

## **5.5 Force Majeure**

- 5.5.1 As used in this Agreement, a Force Majeure Event shall mean “any act of God, labor disturbance, act of the public enemy, war, acts of terrorism, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment through no direct, indirect, or contributory act of a Party, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a Party’s control. A Force Majeure Event does not include an act of negligence or intentional wrongdoing.
- 5.5.2 If a Force Majeure Event prevents a Party from fulfilling any obligations under this Agreement, the Party affected by the Force Majeure Event (“Affected Party”) shall promptly notify the other Party of the existence of the Force Majeure Event. The notification must specify in reasonable detail the circumstances of the Force Majeure Event, its expected duration, and the steps that the Affected Party is taking to mitigate the effects of the event on its performance. If the initial notification was verbal, it should be promptly followed up with a written notification. The Affected Party shall keep the other Party informed on a continuing basis of developments relating to the Force Majeure Event until the event ends. The Affected Party will be entitled to suspend or modify its performance of obligations under this Agreement (other than the obligation to make payments) only to the extent that the effect of the Force Majeure Event cannot be reasonably mitigated. The Affected Party will use reasonable efforts to resume its performance as soon as possible. The Parties shall immediately report to the Commission should a Force Majeure Event prevent performance of an action required by rule that the rule does not permit the Parties to mutually waive.

## **5.6 Default**

- 5.6.1 No default shall exist where such failure to discharge an obligation (other than the payment of money) is the result of a Force Majeure Event as defined in this Agreement. Upon a default, the non-defaulting Party shall give written notice of such default to the defaulting Party. Except as provided in Article 5.6.2, the defaulting Party shall have sixty (60) calendar days from receipt of the default notice within which to cure such default .
- 5.6.2 If a default is not cured as provided for in this Article, or if a default is not capable of being cured within the period provided for herein, the non-defaulting Party shall have the right to terminate the Agreement by written

notice at any time until cure occurs, and be relieved of any further obligation hereunder and, whether or not that Party terminates the Agreement, to recover from the defaulting Party all amounts due hereunder, plus all other damages and remedies to which it is entitled at law or in equity. Alternately, the non-defaulting Party shall have the right to seek dispute resolution with the Commission in lieu of default. The provisions of this Article will survive termination of the Agreement.

## **Article 6. Insurance**

A Party is liable for any loss, cost claim, injury, or expense including reasonable attorney's fees related to or arising from any act or omission in its performance of the provisions of the rules or the Interconnection Agreement entered into pursuant to the rules. Insurance is required according to Commission rules, ARSD 20:10:36:26, 20:10:36:27, and 20:10:36:28.

## **Article 7. Dispute Resolution**

Parties will adhere to the dispute resolution and complaint process in Commission rules, ARSD chapter 20:10:36.

## **Article 8. Miscellaneous**

### **8.1 Governing Law, Regulatory Authority, and Rules**

The validity, interpretation, and enforcement of the Agreement and each of its provisions shall be governed by the laws of the State of South Dakota, without regard to its conflicts of law principles. The Agreement is subject to all applicable laws. Each Party expressly reserves the right to seek changes in, appeal, or otherwise contest any laws, orders, or regulations of a governmental authority.

### **8.2 Amendment**

The Parties may mutually agree to amend the Agreement by a written instrument duly executed by both Parties in accordance with provisions of the rules and applicable Commission Orders and provisions of the laws of the State of South Dakota.

### **8.3 No Third-Party Beneficiaries**

The Agreement is not intended to and does not create rights, remedies, or benefits of any character whatsoever in favor of any persons, corporations, associations, or entities other than the Parties, and the obligations herein assumed are solely for the use and benefit of the Parties, their successors in interest, and, where permitted, their assigns.

### **8.4 Waiver**

8.4.1 The failure of a Party to the Agreement to insist, on any occasion, upon strict performance of any provision of the Agreement will not be

considered a waiver of any obligation, right, or duty of, or imposed upon, such Party.

8.4.2 The Parties may agree to mutually waive a section of this Agreement so long as prior Commission approval of the waiver is not required by the rules.

8.4.3 Any waiver at any time by either Party of its rights with respect to the Agreement shall not be deemed a continuing waiver or a waiver with respect to any other failure to comply with any other obligation, right, or duty of the Agreement. Any waiver of the Agreement shall, if requested, be provided in writing.

## **8.5 Entire Agreement**

The Interconnection Agreement, including any supplementary form attachments that may be necessary, constitutes the entire Agreement between the Parties with reference to the subject matter hereof, and supersedes all prior and contemporaneous understandings or agreements, oral or written, between the Parties with respect to the subject matter of the Agreement. There are no other agreements, representations, warranties, or covenants that constitute any part of the consideration for, or any condition to, either Party's compliance with its obligations under the Agreement.

## **8.6 Multiple Counterparts**

The Agreement may be executed in two or more counterparts, each of which is deemed an original but all constitute one and the same instrument.

## **8.7 No Partnership**

The Agreement will not be interpreted or construed to create an association, joint venture, agency relationship, or partnership between the Parties or to impose any partnership obligation or partnership liability upon either Party. Neither Party shall have any right, power, or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent or representative of, or to otherwise bind, the other Party.

## **8.8 Severability**

If any provision or portion of the Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction or other governmental authority: (1) such portion or provision shall be deemed separate and independent; (2) the Parties shall negotiate in good faith to restore insofar as practicable the benefits to each Party that were affected by such ruling; and (3) the remainder of the Agreement shall remain in full force and effect.

## **8.9 Subcontractors**

Nothing in the Agreement shall prevent a Party from utilizing the services of any subcontractor, or designating a third party agent as one responsible for a specific obligation or act required in the Agreement (collectively subcontractors), as it deems appropriate to perform its obligations under the Agreement; provided, however, that each Party will require its subcontractors to comply with all applicable terms and conditions of the Agreement in providing such services and each Party will remain primarily liable to the other Party for the performance of such subcontractor.

8.9.1 The creation of any subcontract relationship shall not relieve the hiring Party of any of its obligations under the Agreement. The hiring Party shall be fully responsible to the other Party for the acts or omissions of any subcontractor the hiring Party hires as if no subcontract had been made. Any applicable obligation imposed by the Agreement upon the hiring Party shall be equally binding upon, and will be construed as having application to, any subcontractor of such Party.

8.9.2 The obligations under this Article will not be limited in any way by any limitation of subcontractor's insurance.

#### **8.10 Reservation of Rights**

Either Party will have the right to make a unilateral filing with the Commission to modify the Interconnection Agreement. This reservation of rights provision includes, but is not limited to, modifications with respect to any rates, terms, and conditions, charges, classification of service, tariff, or any applicable State or Federal law or regulation. Each Party shall have the right to protest any such filing and to participate fully in any proceeding before the Commission in which such modifications may be considered.

#### **Article 9. Notices**

Unless otherwise provided in the Agreement, any written notice, demand, or request required or authorized in connection with the Agreement shall be deemed properly given if delivered in person, delivered by recognized national courier service, or sent by first class mail, postage prepaid, to the person specified below:

##### **If to the Applicant:**

Applicant: \_\_\_\_\_

Attention: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

**If to the Public Utility:**

Public Utility: \_\_\_\_\_

Attention: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

**9.1 Billing and Payment**

Billings and payments shall be sent to the addresses set out below: (complete if different than article 9.2 above)

**If to the Applicant:**

Applicant: \_\_\_\_\_

Attention: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**If to the Public Utility:**

Public Utility: \_\_\_\_\_

Attention: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**9.2 Designated Operating Representative**

The Parties will designate operating representatives to conduct the communications which may be necessary or convenient for the administration of the operations provisions of the Agreement. This person or persons will also serve as the point of contact with respect to operations and maintenance of the Party's facilities (complete if different than article 9 above)

**Applicant's Operating Representative:** \_\_\_\_\_

Attention: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail \_\_\_\_\_

**Public Utility's Operating Representative:** \_\_\_\_\_

Attention: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

### **9.3 Changes to the Notice Information**

Either Party may change this notice information by giving five business days written notice prior to the effective date of the change.

### **Article 10. Signatures**

**IN WITNESS WHEREOF**, the Parties have caused the Agreement to be executed by their respective duly authorized representatives.

#### **For the Applicant:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

#### **For the Public Utility:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## **ATTACHMENT 1**

### **Operations and Maintenance Schedule**

Operating Hours: \_\_\_\_\_ Availability (%): \_\_\_\_\_

Seasonal Effect: \_\_\_\_\_

Routine and Annual Maintenance Schedule: \_\_\_\_\_

\* Initial operating set points and "as built" equipment data is to be recorded on or about the time of the Witness Test. Parties may not deviate from initial settings and agreed upon operating parameters except as permitted by the rules without written authorization of the Public Utility. The Interconnection Customer will furnish updated information to the Public Utility any time a special operating requirement initial set point or the Interconnection Equipment is materially changed.

## System Impact Study Agreement

This agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_  
by and between \_\_\_\_\_, a  
\_\_\_\_\_ (corporation/limited liability company organized and  
existing under the laws of the State of \_\_\_\_\_,  
or an individual) ("Applicant," ) and \_\_\_\_\_, a  
\_\_\_\_\_ existing under the laws of the State of  
\_\_\_\_\_, ("Public Utility"). Applicant and Public Utility may be referred to  
as a "Party," or collectively as the "Parties."

### Recitals:

**Whereas**, The Applicant is proposing to develop a Small Generating Facility or generating capacity addition to an existing Small Generating Facility consistent with the Application completed by the Applicant on \_\_\_\_\_;

Whereas, the Applicant desires to interconnect the Small Generating Facility with the Public Utility's Distribution System ("EDS");

Whereas, the Public Utility has completed an Interconnection Feasibility Study and provided the results of said study to the Applicant (This recital to be omitted if the Parties have agreed to forego the feasibility study.); and

Whereas, the Applicant has requested the Public Utility to perform a System Impact Study to assess the impact of interconnecting the Small Generating Facility with the Public Utility's EDS, and of any Affected Systems.

**NOW, THEREFORE**, in consideration of and subject to the mutual covenants contained herein the Parties agreed as follows:

1. When used in this Agreement, with initial capitalization, the terms specified shall have the meanings indicated or the meanings specified in the SD Public Utilities Commission's rules, ARSD chapter 20:10:36.
2. Applicant elects and the Public Utility shall cause to be performed a System Impact Study consistent with the SD Public Utilities Commission's rules.
3. The scope of the System Impact Study shall be subject to the assumptions set in the rules and detailed in this Agreement.
4. A system impact study will be based upon the results of the Interconnection Feasibility Study and the technical information provided by the Applicant in its Application, as may be modified as the result of the Scoping Meeting. The Public Utility reserves the right to request additional technical information from the Applicant as may reasonably become necessary consistent with Good Utility Practice during the course of the System Impact Study. If, in the course of the Study, the Applicant finds it necessary to modify the Application, the time to complete the System Impact Study may be extended by mutual agreement of the Parties.

5. The System Impact Study shall consider all generating facilities that, on the date the interconnection system impact study is commenced, are directly interconnected with the Public Utility's system, have a pending higher queue position to interconnect to the system, or have a signed interconnection agreement. At a minimum, the Study may include a short circuit analysis, a stability analysis, a power flow analysis, voltage drop and flicker studies, protection and set point coordination studies, and grounding reviews.

6. The Interconnection System Impact Study shall state the underlying assumptions of the Study; show the results of the analyses; identify any interconnection facilities and system upgrades required to allow the proposed interconnection to occur; and include a good faith, non-binding estimate of the identified interconnection facilities and system upgrades and an estimated delivery schedule.

7. If the applicant sponsored a separate Independent System Impact Study, the Public Utility must also evaluate and address any alternative findings from that Study at the Applicant's expense.

8. The Public Utility estimates that the cost to perform the study is \_\_\_\_\_. This is a good faith, non-binding estimate. Pursuant to ARSD 20:10:36:23, if required by the Public Utility, the Applicant shall provide a study deposit of \_\_\_\_\_. A System Impact Study shall be completed on or before \_\_\_\_\_.

In witness whereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

[Insert name of the Public Utility]

Signed \_\_\_\_\_

Name (Printed): \_\_\_\_\_ Title \_\_\_\_\_

[Insert name of the Applicant]

Signed \_\_\_\_\_

Name Printed): \_\_\_\_\_ Title \_\_\_\_\_