



# Montana-Dakota Utilities Co.

400 N 4<sup>th</sup> Street  
Bismarck, ND 58501

## State of Wyoming Gas Rate Schedule

W.P.S.C. Tariff No. 3  
Original Sheet No. 80

### CONDITIONS OF SERVICE Rate 100

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#### I. PURPOSE:

These rules are intended to define good practice which can normally be expected, but are not intended to exclude other accepted standards and practices not covered herein. They are intended to ensure adequate service to the public and protect the Company from unreasonable demands.

The Company undertakes to furnish service subject to the Rules of the Public Service Commission of Wyoming and as supplemented by these general provisions, as now in effect or as may hereafter be lawfully established.

#### II. DEFINITIONS:

The following terms used in this tariff shall have the following meanings, unless otherwise indicated:

**AGENT** – The party authorized by the transportation service customer to act on that customer's behalf.

**APPLICANT** - A customer requesting Company to provide service.

**COMMISSION AND COMMISSIONER** - The Public Service Commission of Wyoming or a member thereof respectively.

**COMPANY** - Montana-Dakota Utilities Co. (Montana-Dakota).

**COMPANY'S OPERATING CONVENIENCE** - The utilization, under certain circumstances, of facilities or practices not ordinarily employed which contribute to the overall efficiency of Company's operations. This does not refer to the customer's convenience nor to the use of facilities or adoption of practices required to comply with applicable laws, ordinances, rules or regulations, or similar requirements of public authorities.

**CURTAILMENT** - A reduction of transportation or retail natural gas service deemed necessary by the Company.

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**CUSTOMER** - Any individual, partnership, corporation, firm, other organization or government agency supplied with service by the Company at one location and at one point of delivery unless otherwise expressly provided in these rules or in a rate schedule.

**DELIVERY POINT** - The point at which customer assumes custody of the gas being transported. This point will normally be at the outlet of the Company's meter(s) located on the customer's premises.

**EXCESS FLOW VALVE** – Safety device designed to automatically stop or restrict the flow of gas if an underground pipe is broken or severed.

**GAS DAY** - Means a period of twenty-four consecutive hours, beginning and ending at 9:00 a.m. Central Clock Time.

**INTERRUPTION** - A cessation of transportation or retail natural gas service deemed necessary by the Company.

**NOMINATION** - The daily dk volume of natural gas requested by customer for transportation and delivery to the customer at the delivery point during a gas day.

**PIPELINE** - The transmission company(s) delivering natural gas into the Company's system.

**RATE** - Shall mean and include every compensation, charge, fare, toll, rental and classification, demanded, observed, charged or collected by the Company for any service, product, or commodity, offered by the Company to the public. This includes rules, regulations, practices or contracts affecting any such compensation, charge, fare, toll, rental or classification.

**RECEIPT POINT** - The intertie between the Company and the interconnecting pipeline(s) at which point the Company assumes custody of the gas being transported.

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SHIPPER – The party with whom the pipeline has entered into a service agreement for transportation services.

#### III. CUSTOMER OBLIGATIONS:

1. APPLICATION FOR SERVICE - A customer desiring gas service must make application to the Company before commencing the use of the Company's service. The Company reserves the right to require a signed application or written contract for service to be furnished. All applications and contracts for service must be made in the legal name of the customer desiring the service. The Company may refuse service to a customer or discontinue service to a customer who fails or refuses to furnish reasonable information requested by the Company for the establishment of a service account. Any customer who uses gas service in the absence of application or contract shall be subject to the Company's rates, rules, and regulations and shall be responsible for payment of all service used.

Subject to rates, rules, and regulations, the Company will continue to supply gas service until notified by the customer to discontinue the service. The customer will be responsible for payment of all service furnished through the date of discontinuance.

Any customer may be required to make a deposit as required by the Company in accordance with §V.6.

2. SERVICE AVAILABILITY - Gas will normally be delivered at a standard pressure of four ounces. Delivery of gas service at pressures greater than the standard operating pressure may be available and will require a consultation with the Company to determine availability.
3. INPUT RATING - All new customers whose consumption of gas for any purpose will exceed an input of 2,500,000 Btu per hour, metered at a single delivery point, shall consult with the Company and furnish details of estimated hourly input rates for all gas utilization equipment. Where system design capacity permits, such customers may be served on a firm basis. Where system design capacity is limited, and at the Company's sole discretion, the

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Company will serve all such new customers on an interruptible basis only. Architects, contractors, heating engineers and installers, and all others should consult with the Company before proceeding to design, erect or redesign such installations for the use of natural gas. This will ensure that such equipment will conform to the Company's ability to adequately serve such installations with gas.

4. ACCESS TO CUSTOMER'S PREMISES – The Company's representatives, when properly identified, shall have access to customer's premises at all reasonable times for the purpose of reading meters, making repairs, making inspections, removing the Company's property, or for any other purpose incidental to the service.
5. COMPANY PROPERTY – The customers shall exercise reasonable diligence in protecting the Company's property on their premises, and shall be liable to the Company in case of loss or damage caused by their negligence or that of their employees.
6. INTERFERENCE WITH COMPANY PROPERTY - The customer shall not disconnect, change connections, make connections or otherwise interfere with Company's meters or other property or permit same to be done by other than the Company's authorized employees.
7. RELOCATED LINES – Where the Company's facilities are located on a public or private utility easement and there is a building encroachment(s) over gas facilities (Company-owned main, Company-owned service line or customer-owned service line) the customer shall be charged for line relocation on the basis of actual costs incurred by the Company, including any required easements or permits.
8. NOTIFICATION OF LEAKS – The customer shall immediately notify the Company at its office of any escape of gas in or about the customer's premises.

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9. **TERMINATION OF SERVICE** – All customers are required to notify the Company, to prevent their liability for service used by succeeding tenants, when vacating their premises. Upon receipt of such notice, the Company will read the meter and further liability for service used on the part of the vacating customer will cease.
10. **REPORTING REQUIREMENTS** – The customer shall furnish the Company all information as may be required or appropriate to comply with reporting requirements of duly constituted authorities having jurisdiction over the matter herein.
11. **QUALITY OF GAS** - The gas tendered to the Company shall conform to the applicable quality specifications of the Pipeline's tariff which at a minimum shall comport to Chapter 3, Section 1 (c)(iv) of the Commission's Rules.

#### IV. **LIABILITY:**

1. **CONTINUITY OF SERVICE** - The Company will use all reasonable care to provide continuous service but does not assume responsibility for a regular and uninterrupted supply of gas service and will not be liable for any loss, injury, death, or damage resulting from the use of service, or arising from or caused by the interruption or curtailment of the same, except when such loss, injury or damage results from the negligence of the Company.
2. **CUSTOMER'S EQUIPMENT** - Neither by inspection or non-rejection, nor in any other way does the Company give any warranty, expressed or implied, as to the adequacy, safety or other characteristics of any structures, equipment, lines, appliances or devices owned, installed or maintained by the customer or leased by the customer from third parties. The customer is responsible for the proper installation and maintenance of all structures, equipment, lines, appliances, or devices on the customer's side of the point of delivery, and for the natural gas after it passes the point of delivery. The customer must assume the duties of inspecting all structures including the house piping, chimneys, flues and appliances on the customer's side of the point of delivery to ensure all are in working order. It is the Company's

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obligation to supply satisfactory service, and any use of equipment by the customer that prevents the Company from carrying out this obligation must be corrected by the customer.

- a. In the event the Company needs to turn a customer's gas meter on, and a customer's equipment needs to be restarted, the customer may consent to, and accept responsibility for, the relighting of any pilot lights on equipment on customer's side of the meter. If verbal consent of customer is given at the time of scheduling the gas meter turn on, Company personnel will turn gas meter on and inspect for gas use. If no gas use is detected at that time, the gas meter will be left on and the customer can relight any pilot lights on equipment on customer's side of the meter at their convenience. If gas use is detected, Company personnel will turn gas meter off and advise customer to have their system checked. The Company will only turn the gas meter on after customer's system has been checked and no gas use is detected.
3. COMPANY EQUIPMENT AND USE OF SERVICE – The Company will not be liable for any loss, injury, death or damage resulting in any way from the supply or use of gas or from the presence or operation of the Company's structures, equipment, lines, or devices on the customer's premises, except loss, injuries, death, or damages resulting from the negligence of the Company.
  4. INDEMNIFICATION – The customer agrees to indemnify and hold the Company harmless from any and all injury, death, loss or damage resulting from customer's negligent or wrongful acts under and during the term of service. Company agrees to indemnify and hold customer harmless from any and all injury, death, loss or damage resulting from the Company's negligent or wrongful acts under and during the term of service.
  5. FORCE MAJEURE – In the event of either party being rendered wholly or in part by force majeure unable to carry out its obligations, then the obligations of the parties hereto, so far as they are affected by such force majeure, shall be suspended during the continuance of any inability so caused. Such causes or contingencies affecting the performance by either party, however,

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shall not relieve it of liability in the event of its concurring negligence or in the event of its failure to use due diligence to remedy the situation and remove the cause in an adequate manner and with all reasonable dispatch, nor shall such causes or contingencies affecting the performance relieve either party from its obligations to make payments of amounts then due hereunder, nor shall such causes or contingencies relieve either party of liability unless such party shall give notice and full particulars of the same in writing or by telephone to the other party as soon as possible after the occurrence relied on. If volumes of the customer's gas are destroyed while in the Company's possession by an event of force majeure, the obligations of the parties shall terminate with respect to the volumes lost.

The term "force majeure" as employed herein shall include, but shall not be limited to, acts of God, strikes, lockouts or other industrial disturbances, failure to perform by any third party, which performance is necessary to the performance by either customer or Company, acts of public enemies or terrorists, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, arrest and restraint of rulers and peoples, civil disturbances, explosions, breakage or accident to machinery or lines of pipe, line freeze-ups, sudden partial or sudden entire failure of gas supply, failure to obtain materials and supplies due to governmental regulations, and causes of like or similar kind, whether herein enumerated or not, and not within the control of the party claiming suspension, and which by the exercise of due diligence such party is unable to overcome; provided that the exercise of due diligence shall not require settlement of labor disputes against the better judgment of the party having the dispute.

The term "force majeure" as employed herein shall also include, but shall not be limited to, inability to obtain or acquire, at reasonable cost, grants, servitudes, rights-of-way, permits, licenses, or any other authorizations from third parties or agencies (private or governmental) or inability to obtain or acquire at reasonable cost necessary materials or supplies to construct, maintain, and operate any facilities required for the performance of any obligations under this agreement, when any such inability directly or indirectly contributes to or results in either party's inability to perform its obligations.

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#### V. GENERAL TERMS AND CONDITIONS:

1. AGREEMENT - Upon request of the Company, the customer may be required to enter into an agreement for any service.
2. RATE OPTIONS - Where more than one rate schedule is available for the same class of service, the Company will assist the customer in selecting the applicable rate schedule(s). The Company is not required to change a customer from one rate schedule to another more often than once in twelve months unless there is a material change in the customer's load which alters the availability and/or applicability of such rate(s), or unless a change becomes necessary as a result of an order issued by the Commission or a court having jurisdiction. The Company will not be required to make any change in a fixed term contract except as provided therein.
3. RULES FOR APPLICATION OF GAS SERVICE -
  - a. Residential Gas Service is available to any residential customer for domestic purposes only. Residential Gas Service is defined as service for general domestic household purposes in space occupied as living quarters, designed for occupancy by one family with separate cooking facilities. Typical service would include the following: single private residences, single apartments, mobile homes with separate meters and auxiliary buildings on the same premise as the living quarters, used for residential purposes by the residential customer. This is not an all-inclusive list.
  - b. Non-residential Gas Service is defined as service provided to a business enterprise in space occupied and operated for non-residential purposes. Typical service would include stores, offices, shops, restaurants, sorority and fraternity houses, boarding houses, hotels, service garages, wholesale houses, filling stations, barber shops, beauty parlors, master metered apartment houses, common areas of shopping malls or apartments (such as halls or basements), churches, elevators, schools and facilities located away from the home site. This is not an all-inclusive list.
  - c. The definitions above are based upon the supply of service to the premises in its entirety through a single delivery and metering point.

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Separate supply for the same customer at other points of consumption shall be separately metered and billed.

- d. If separate metering is not practical for premises using gas for both domestic purposes and for conducting business (or for nonresidential purposes), the customer will be billed under the predominate use policy. Under this policy, the customer's combined service is billed under the rate (residential or non-residential) applicable to the type of service which constitutes greater than 50% of the total connected load.
  - e. These rules will not change the classification of existing customers who were served gas prior to October 1, 1988 except in the event of a different customer taking responsibility for the account.
  - f. Other classes of service furnished by the Company shall be defined in applicable rate schedules or in rules and regulations pertaining thereto. Service to customers for which no specific rate schedule is applicable shall be billed under the nonresidential rates.
4. DISPATCHING - Transportation customers will adhere to gas dispatching policies and procedures established by the Company to facilitate transportation service. The Company will inform the customer of any changes in dispatching policies that may affect transportation services as they occur.
  5. RULES COVERING GAS SERVICE - The rules and regulation for providing gas service are in accordance with the Code of Federal Regulations (49CFR Part 192 - Transportation of Natural and Other Gas by Pipeline). Customers needing information in regards to the rules and regulations for providing gas service may contact the Company to discuss by phone or to arrange an appointment at the Company's Sheridan Office to review the Code of Federal Regulations. The customer shall be responsible for compliance with all local, state and federal regulations for all gas piping and appliances located downstream of the outlet of the gas meter.
  6. CUSTOMER DEPOSITS - The Company may require a deposit from an applicant for gas service (applicant) or an existing customer in accordance with Chapter 3, Section 7 of the Wyoming Public Service Commission's Rules:

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The Company may require a deposit to guarantee payment for each service. This deposit shall not be considered as an advance payment of bills but shall be held as security for payment of service rendered. The Company may refuse service to an applicant or discontinue service to a customer for failure to comply with customer deposit requirements. The Company shall apply the policies governing customer deposits uniformly.

- a. The Company may require a deposit if:
  - i. A prior service account with the Company remains unpaid and undisputed at the time of application for service;
  - ii. Service from the Company has been discontinued for:
    - A. Nonpayment of any undisputed delinquent bill;
    - B. Failure to reimburse the Company for damages due to the customer's negligent or intentional actions; or
    - C. Acquisition, diversion or use of service without the authorization of or knowledge by the Company.
  - iii. Information provided upon application for service is materially false or a misrepresentation;
  - iv. The application is for initial service with the Company or the applicant did not have service with the Company for a period of at least 12 consecutive months during the past four years;
  - v. The applicant or non-residential customer is unable to pass an objective credit screen. In order to pass the objective credit screen, the applicant or non-residential customer must fulfill one or a combination of the following:
    - A. Received 12 consecutive months of service from the Company, with the undisputed portions of the 12 most recent bills paid in full when due;

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- B. Have a favorable credit rating with a third-party credit reporting agency; or
- C. Receive a favorable credit rating from the Company's financial risk assessment tool.
- vi. The request is for service at an address where a former customer with an undisputed delinquent bill for service still resides or conducts business;
- vii. The applicant for service, or the customer, has been brought within the jurisdiction of the bankruptcy court, or has had a receiver appointed in a state court proceeding, within the five year period immediately preceding the request for service; or
- viii. The Company has determined that it has a significant financial risk in continuing to provide service to a specific non-residential customer. The Company and the customer may attempt to reach a deposit agreement. If the Company and the customer are unable to reach an agreement, the Company shall file a confidential petition requesting expedited review and Commission approval prior to collecting the customer deposit. The petition shall contain the basis for the Company's determination, the amount of deposit sought and sufficient information for the Commission to contact the customer.
- b. Unless otherwise ordered by the Commission, the Company shall not require a deposit as a condition of new or continued utility service based upon any criterion not specifically authorized by the Wyoming Public Service Commission's Rules.
- c. Unless otherwise ordered by the Commission, the required deposit shall not exceed the total amount of the customer's estimated bill for three months of highest use based on the premises' monthly bills during the immediate previous 12-month period. If billing information

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for the immediate previous 12-month period is not available, the deposit will be based on anticipated service characteristics and anticipated load.

- d. The Company shall retain records showing:
  - i. The name and address of each customer making the deposit;
  - ii. The date and amount of the deposit; and
  - iii. Each accounting transaction concerning the deposit.
- e. The Company shall provide the customer a non-assignable receipt or other record of deposit, showing the date and amount received.
- f. The Company shall calculate simple interest on deposits at the Commission's Authorized Interest Rate defined in Chapter 1 of the Wyoming Public Service Commission's Rules. Interest shall apply only to deposits held for at least six months, but shall accrue from the initial date of deposit through the date the deposit is returned to the customer.
- g. The Company may accept a written guarantee from an acceptable guarantor in lieu of a deposit to pay a customer's bill. After the Company has verified the customer's identity, the customer shall agree to permit the Company to provide the customer's account information to the guarantor upon the customer's default.
- h. Deposits and any unpaid interest earned on deposits shall be applied as a credit to the customer's bill, unless requested by the customer to be refunded, when:
  - i. The accrued interest equals or exceeds \$10.00. The Company shall apply the credit at least annually;

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- ii. A residential customer has received 12 consecutive months of service, with no cause to discontinue service; and the customer's bills have been paid when due;
- iii. A commercial or industrial customer has received 12 consecutive months of service, with no cause to discontinue service; the customer's bills have been paid when due; and the customer passes the Company's objective credit screen; or
- iv. Service is discontinued. The Company shall not require the customer to provide the original receipt in order for the deposit to be returned. Any credit balance on the account after the deposit is applied shall be refunded to the customer. If the Company is unable to make the refund due to lack of knowledge of the customer's location, additional interest will not accrue after the service discontinuation date. The Company shall manage such deposits as unclaimed property as required by Wyoming law (W.S. § 34-24-109).

#### 7. METERING AND MEASUREMENT:

- a. Meters and associated devices shall be installed in a reasonable location that is the shortest safe distance to the customer's building, accessible for reading, testing, inspection, removal and where such activities will minimize interference and inconvenience to the customer and the Company. Under no circumstances shall any meter be removed or relocated except by authorized Company personnel. The Company will furnish appropriate metering at the point of connection to the customer. The customer shall provide and maintain, without cost to the Company, a suitable location accessible for metering and installation of equipment required to provide service. The Company has the right to clear its services, connections and rights-of-way of any interfering tree, shrub, or other obstruction or to require the customer to clear and remove the interfering obstruction at the customer's expense.

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- b. All meters furnished by the Company are property of the Company and only Company-authorized personnel shall install, remove, test, adjust or conduct any repair or maintenance work thereon. The Company shall install and maintain at its own expense all equipment necessary to regulate and measure the commodity delivered for billing.
- c. The customer may install, operate and maintain at its sole expense, equipment for the purpose of measuring the amount of natural gas delivered over any measurement period (Customer meter), provided the equipment shall not interfere with such delivery or with the Company's meter.
- d. Each meter will be read by the Company authorized personnel at a minimum of monthly intervals, as nearly as possible on the corresponding day of each month. Bills shall show the meter readings at the beginning and end of the billing period, the date of the meter readings, the units consumed, the class of service and other information necessary to enable the customer to readily re-compute the amount of the bill. Each bill shall bear upon its face the date of the bill and the latest date it may be paid without penalty. An estimated reading may be utilized if a reading cannot be obtained or if it is not feasible to read the meter. Estimated meter readings shall be clearly identified on the bill. The amount of such an estimated bill will be adjusted as necessary when the next actual reading is obtained.
- e. The Company will meter the volume of natural gas delivered to the customer at the delivery point. Such meter measurement will be conclusive upon both parties unless such meter is found to be inaccurate, in which case the quantity supplied to the customer shall be determined by as correct an estimate as it is possible to make, taking into consideration the time of year, the schedule of the customer's operations and other pertinent facts.

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# Montana-Dakota Utilities Co.

400 N 4<sup>th</sup> Street  
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- f. Meter Testing
1. Company's Testing - The Company's ongoing meter testing program is set forth in Rate 136.
  2. Customer's Request - Upon request of the customer, the Company will complete a meter test of customer's meter. If the customer requests a test of the accuracy of the Company's meter used on the customer's premises, the following provisions shall apply:
    - i. If the meter has not been tested within 12 months, the Company shall perform the test within a reasonable time without charge to the customer. The Company shall notify the customer of the time when the Company will conduct the test so the customer or the customer's representative may be present.
    - ii. If the meter has been tested within 12 months, the Company shall notify the customer the cost to perform the test. The Company shall notify the customer of the time when the Company will conduct the test.
    - iii. The Company shall promptly advise the customer of the test results.
    - iv. If a meter is found to be in non-compliance with the Company's approved meter testing program, the Company shall refund the payment the customer advanced for the meter test and shall repair or replace the meter. The Company shall also adjust and refund to the customer the overpayment of preceding bills, in accordance with §V.10. No refund is required from the Company except to the customer last served by the meter prior to testing. If the Company has under collected, the customer shall pay the adjusted costs in accordance with §V.10.
    - v. The meter accuracy test charge amount is provided in §VI.1.g.

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- vi. If such test shows the average error of the meter to be 2% or less, the customer will pay for the test if the meter has already been tested within the previous twelve months. See §VI.1.g. for the applicable charges.
  - vii. If a tested meter shows an average error greater than plus or minus 2%, the Company will refund any overbilling, and the customer will pay any underbilling, in accordance with §V.10.
8. MEASUREMENT UNIT FOR BILLING PURPOSES - The measurement unit for billing purposes shall be one (1) decatherm (dk), unless otherwise specified. Billing will be calculated to the nearest one-tenth (1/10) dk. One dk equals 10 therms or 1,000,000 Btu's. Dk's shall be calculated by the application of a thermal factor to the volumes metered. This thermal factor consists of:
- a. An altitude adjustment factor used to convert metered volumes at local sales base pressure to a standard pressure base of 14.73 psia, and
  - b. A Btu adjustment factor used to reflect the heating value of the gas delivered.
9. UNIT OF VOLUME FOR MEASUREMENT –
- a. The standard unit of volume for purpose of measurement shall be one (1) cubic foot of gas at either local sales base pressure or 14.73 psia, as appropriate, and at a temperature base of sixty degrees Fahrenheit (60° F). Local sales base pressure is defined as four (4) ounces per square inch gauge (psig) pressure plus local average atmospheric pressure. The methods below describe the means to convert to this standard:
    - 1. For the majority of customers where natural gas is measured with positive displacement or turbine meters, correction to local sales base pressure shall be made for actual pressure and temperature with factors calculated from Boyle's and Charles' Laws. Boyle's Law states that gas contracts proportionately to pressure increase and expands proportionately to pressure decreases.

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2. Where gas is delivered at 20 psig or more, the deviation of the natural gas from Boyle's Law shall be determined by application of Supercompressibility Factors for Natural Gas. Supercompressibility will be calculated in the corrector using the Pipeline Research Committee International (PRCI) supercompressibility calculation found in the "Manual for the Determination of Supercompressibility Factors for Natural Gas", dated December 1962. For hand-billed accounts, application of supercompressibility factors will be waived on monthly billed volumes of 250 dk or less.
  - b. Customers needing more information in regards to Supercompressibility Factors may contact the Company to discuss by phone or to arrange an appointment at the Company's Sheridan Office to review the PRCI publication referenced above.
  - c. Each service meter shall clearly indicate the units of measurement. If the Company invoices customers in a different unit of measurement than the service meter indicates, the conversion factor shall be stated on the customer bill. In cases where special types of meters are used or where the readings of a meter must be multiplied by a constant to obtain the units consumed, that information shall be placed on the customer bill. When service is discontinued, a bill for final usage will be processed within 30 days following discontinuance.
10. BILLING ADJUSTMENTS –
- a. In accordance with Wyo. Stat. § 37-2-218, if the Company charged, collected or received any rate or rates in excess of the rates fixed in the Company's tariff, the Company shall immediately refund to the customer the difference between the rates fixed in the tariff and the rates charged, collected or received. This shall also apply to meter errors described in §V.7.
  - b. If the Company undercharged a customer as a result of a meter or metering inaccuracy or other continuing problem under the Company's control, the Company may bill the customer in accordance with Wyo. Stat.

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§ 37-2-222, for the amount of unmetered natural gas rendered in the 183 days immediately prior to the date the Company remedies the meter inaccuracy. The typical time period over which the undercharge may be collected shall be 12 consecutive months. The customer may elect to pay over a shorter period, or the Company may allow repayment over a longer period. This shall also apply to meter errors described in §V.7.

#### 11. PRIORITY OF SERVICE AND ALLOCATION OF CAPACITY- Priority of Service from Highest to Lowest

- a. Priority 1 - Firm sales services.
- b. Priority 2 - Small interruptible sales and small interruptible gas transportation service at the maximum rate on a pro rata basis.
- c. Priority 3 - Large interruptible sales and large interruptible transportation service at the maximum rate on a pro rata basis.
- d. Priority 4 - Small interruptible sales and transportation services from the highest rate to the lowest rate on a pro rata basis where equal rates are applicable among customers.
- e. Priority 5 - Large interruptible sales and transportation services from the highest rate to the lowest rate on a pro rata basis where equal rates are applicable among customers.
- f. Priority 6 - Gas scheduled to clear imbalances.

Montana-Dakota shall have the right, in its sole discretion, to deviate from the above schedule when necessary for system operational reasons and if following the above schedule would cause an interruption in service to a customer who is not contributing to an operational problem on Montana-Dakota's system.

Montana-Dakota reserves the right to provide service to customers with a lower priority while service to higher priority customers is being curtailed due to restrictions at a given delivery or receipt point. When such restrictions are eliminated, Montana-Dakota will reinstate sales and/or transportation of gas according to each customer's original priority.

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12. EXCESS FLOW VALVES – In accordance with Federal Pipeline Safety Regulations 49 CFR 192.383, the Company will install an excess flow valve on an existing service line at the customer’s request on a mutually agreeable date. The actual cost of the installation will be assessed to the customer. Montana-Dakota will provide a cost estimate to the customer before installing the excess flow valve.
13. LATE PAYMENT - Amounts billed will be considered past due if not paid by the due date shown on the bill. An amount equal to the percentage set forth in §VI.2. will be applied to any unpaid balance existing at the immediate subsequent billing date, provided however, that such amount shall not apply where a bill is in dispute or a formal complaint is being processed. All payments received will apply to the customer's account prior to calculating the late payment charge. Those payments applied shall satisfy the oldest portion of the bill first.
14. RETURNED CHECK CHARGE - A charge as set forth in §VI.1.b. will be collected by the Company for any check not honored by the customer's financial institution for any reason.
15. MANUAL METER READING CHARGE – A charge as set forth in Rate 100, §VI.1.c. will be assessed monthly for customer(s) who have requested, and received Company approval, to have their meter read manually each month in lieu of an AMR-equipped meter read. An AMR-equipped meter is a meter equipped with an Encoder Receiver Transmitter (ERT) that allows for the remote reading of a customer’s meter. Customers agree to contract for the manual reading of the meter for a minimum period of one year.
16. TAX CLAUSE
- a. In addition to the charges provided for in the gas tariffs of the Company, there shall be charged pro rata amounts which, on an annual basis, shall be sufficient to yield to the Company the full amount of:
    1. Any sales, use or excise taxes, whether they be denominated as license taxes, occupation taxes, business taxes, privilege taxes or otherwise levied against or imposed upon the Company by any municipality, political subdivision, or other entity, for the privilege of conducting its utility operations therein.

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2. Any payment under any gas franchise ordinance amounting to more than 1% annually of the gross gas revenue derived by the Company from gas business within the corporate limits of the municipality, political subdivision, or other entity, imposing the payment.

b. The charges to be added to the customers' service bills under this clause shall be limited to the customers within the corporate limits of the municipality, political subdivision, or other entity imposing the tax.

#### 17. UTILITY CUSTOMER SERVICES:

a. The following services will be performed at no charge regardless of the time of performance:

1. Fire and explosions calls.
2. Investigate hazardous condition on customer premises, such as gas leaks, odor complaints, combustion gas fumes.
3. Maintenance or repair of Company-owned facilities on the customer's premises.
4. Pilot relights necessary due to an interruption in gas service deemed to be the Company's responsibility.

b. The following service calls will be performed at no charge during the Company's normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday local time:

1. A reconnection of service to an existing facility (cut-in) or a discontinuation of service (cut-out).
2. High bills or inadequate service complaints.
3. Location of underground Company facilities for contractors, builders, plumbers, etc.

#### 18. UTILITY SERVICES PERFORMED AFTER NORMAL BUSINESS HOURS – For service requested by customers after the Company's normal business

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hours defined in §V.17.b. and on Saturday, Sunday, or legal holidays, a charge will be made for labor at the overtime service rate plus the cost of any required materials.

Customers requesting service after the Company's normal business hours will be informed of the after hour service rate and encouraged to have the service performed during normal business hours.

To ensure the Company can service the customer during normal business hours, the customer's call must be received by 12:00 p.m. on a regular workday for a disconnection or reconnection of service that same day. For calls received after 12:00 p.m. on a regular workday, customers will be advised that overtime service rates will apply if service is required that day and the work cannot be completed during normal working hours. Service may be scheduled for a future workday to avoid overtime charges.

- 19. NOTICE TO DISCONTINUE GAS SERVICE – Customers desiring to have their gas service discontinued shall notify the Company during regular business hours, at least one business day before service is to be discontinued. Such notice shall be by letter or telephone call to the Company's Customer Service Center. Saturdays, Sundays and legal holidays are not considered business days.
- 20. INSTALLING TEMPORARY METERING FACILITIES OR SERVICE - A customer requesting a temporary meter installation and service will be charged on the basis of direct costs incurred by the Company.
- 21. RECONNECTION FEE FOR SEASONAL OR TEMPORARY CUSTOMER – A customer who requests reconnection of service, at a location where same customer discontinued the same service during the preceding 12-month period, will be charged a reconnection fee as follows:

Residential – The Basic Service Charge applicable during the period service was not being used, as well as the reconnection fee set forth in §VI.1.e. during normal business hours. Standard overtime rates will be applied for reconnecting service after normal business hours.

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Non-Residential – The Basic Service Charge applicable during the period while service was not being used. However, the reconnection charge applicable to seasonal business concerns such as irrigation, swimming facilities, grain drying and asphalt processing shall be the Basic Service Charge applicable during the period while service was not being used less the Distribution Delivery Charge revenue collected during the period in-service for usage above the annual authorized usage by rate class (Small Firm General = 156 dk and Large Firm General = 1,256 dk). A reconnection fee as set forth in §VI.1.e. will also apply during normal business hours. Standard overtime rates will be applied for reconnecting service after normal business hours.

Transportation customers who cease service and then resume service within the succeeding 12 months shall be subject to a reconnection charge as set forth in §VI.1.f. whenever reinstallation of the required remote data acquisition equipment is necessary.

22. DISCONTINUANCE OF SERVICE FOR NONPAYMENT OF BILLS – All amounts billed for service will be considered delinquent if not paid by the due date shown on the bill. If any customer shall become delinquent in the payment of amounts billed, such service may be discontinued by the Company in accordance with Chapter 3, Section 9 of the Wyoming Public Service Commission’s Rules.

- a. Discontinuation Notice – The Company may discontinue service by reason of nonpayment after issuing a disconnect notice and upon not less than 7 days’ notice of proposed termination for residential customers and not less than 3 days’ notice for nonresidential customers. The disconnect notice will be mailed or delivered to the account holder or by telephone after customer verification and mailed to any third party previously designated by the account holder. Additional notice may be provided electronically. The notice shall contain:
  1. The name of the person whose account is delinquent and the service address to be discontinued;
  2. The amount of the delinquent bill;

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3. The effective date of the notice and the date on or after which service is to be discontinued;
  4. The Company's specific address and telephone number for information regarding how to avoid service discontinuation;
  5. The names of agencies or organizations that have notified the Company that they render assistance to eligible persons who are unable to pay their utility bills; and
  6. A statement advising the customer how to contact the Commission if discontinuation is disputed.
- b. Landlord Account Holders – When the Company is discontinuing service for nonpayment by a landlord, the Company shall post, mail, or deliver to each known tenant a written notice, excluding the dollar amount, informing the tenant only of the impending disconnection and advising each tenant it has 15 days to arrange directly for service, as permitted by the available facilities. The tenant shall not be held responsible for the landlord's delinquent utility billings. The Company will post the notice at a central location on or in the rental building if all tenants cannot be identified.
  - c. The Company will notify the customer that, if prior to the initial date for the disconnection of service, the customer provides the Company with written verification from a health care provider responsible for the care of customer or his/her co-habitants stating that their health or safety would be seriously endangered if service were discontinued, the Company shall extend the date for discontinuation set forth in the notice by 15 days (22 days total) to allow for bill payment.
  - d. The Company shall attempt to make actual contact with the customer either in person or by telephone, after the customer verification, before discontinuing service during the cold weather period of November 1 through April 30.

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- e. The Company shall also provide notice of discontinuation or account delinquency to a third party if the customer or person acting for the customer has requested that the Company do so after the customer identification verification. The Company shall advise the Customer that the right to request third-party notification does not create third-party liability for payment.
- f. If the customer defaults, the Company shall provide the discontinuation notice to the guarantor and the customer simultaneously. The guarantor's service shall not be subject to discontinuation as a result of the customer's default.
- g. The Company shall remove a guarantor when:
  - 1. The customer has received 12 consecutive months of service with no cause for discontinuation, bills have been paid when due and the customer passes an objective credit screen;
  - 2. The guarantor has paid all amounts due for service through the date the Company received the request to terminate the guarantor agreement; or
  - 3. An additional agreement with the Company is in place.
- h. Reconnection After Nonpayment - To have service restored after discontinuation of service for nonpayment, a residential or a nonresidential customer must first pay a charge for reconnection as set forth in §VI.1.d., Service Charges, and must also pay the delinquent balance in full or execute a deferred payment agreement, if eligible. The Company may also require a deposit to secure payment of future gas bills. See §V.6 Customer Deposits.

To ensure the Company can service the customer during normal business hours, the customer's call must be received by 12:00 p.m. on a regular workday for a disconnection or reconnection of service that same day. For calls received after 12:00 p.m. on a regular workday, customers will be advised that overtime service rates will apply if service is required that day and the work cannot be completed during

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normal working hours. Service may be scheduled for a future workday to avoid overtime charges.

- i. Discontinuation - The Company may discontinue service between 8:00 a.m. to 4:00 p.m., Monday through Thursday if not a legal holiday or the day preceding a legal holiday without further notice when:
  - 1. The notification period has elapsed and the delinquent account has not been paid; or
  - 2. Acceptable payment arrangements have not been made with the Company.
- j. The Company shall assist persons who are unable to pay their natural gas service bills with determining available government assistance.

23. PROHIBITIONS AGAINST SERVICE DISCONTINUATION - The Company shall not terminate service for bill nonpayment under the following conditions:

- 1. On a legal holiday as defined by Wyoming Statute §8-4-101, or the day before such a legal holiday;
- 2. During the period from December 24 through January 2, inclusive;
- 3. On any day in which the Company cannot reconnect service;
- 4. If the customer enters into an arrangement with the Company for payment of the delinquent billing over a reasonable time and the customer complies with payment arrangements;
- 5. If there are monies owed due to meter or other billing error, and the customer complies with payment arrangements;
- 6. At a previous address for a different class of service;
- 7. For nonutility services or appliance or merchandise provided by, or sold by, the Company to the customer;

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8. If the customer is paying the gas service bills on time, even though a prior customer with an undisputed delinquent bill for service resides or conducts business at the same address;
  9. If a gas service bill, or part of a bill, is legitimately in dispute, and if the customer duly pays the gas service bill, or bill portion, not in dispute;
  10. If the temperature for the community closest to the customer's location is forecasted by the National Weather Service or other reputable source to be below 32°F in the impending 48 hours, or if conditions are otherwise especially dangerous to health, and the customer is:
    - a. A residential customer;
    - b. A non-residential customer providing service essential for the protection of public health, safety or welfare; and;
    - c. Unable to pay for service in accordance with the Company's billing requirements and is actively seeking government assistance or has exhausted such assistance; or
    - d. Able to only pay for service in installments; or
  11. If a customer pays a bill on time for a specific service at a specific location, even though the customer is receiving another service that is subject to discontinuation for bill nonpayment.
24. DISCONTINUANCE OF SERVICE FOR CAUSES OTHER THAN NONPAYMENT OF BILLS -The Company reserves the right to discontinue service for any of the following reasons:
- a. In the event of customer use of equipment in such a manner as to adversely affect the Company's equipment or service to others.
  - b. In the event of tampering with the equipment furnished and owned by the Company.

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- c. For violation of or noncompliance with the Company's rules on file with the Commission.
  - d. For failure of the customer to fulfill the contractual obligations imposed as conditions of obtaining service.
  - e. For refusal of reasonable access to property to the agent or employee of the Company for the purpose of inspecting the facilities or for testing, reading, maintaining or removing meters
  - f. The Company may discontinue service for causes other than non-payment after issuing a discontinuance notice in accordance with §V.22 a and §V.22 d. The discontinuation of service for causes other than non-payment may occur on the days and during the hours as stated in §V.22 i.
  - g. The right to discontinue service for any of the above reasons may be exercised whenever and as often as such reasons may occur, and any delay on the part of the Company in exercising such rights, or omission of any action permissible hereunder, shall not be deemed a waiver of its rights to exercise same.
  - h. The Company may discontinue service without advance notice for reasons of safety, health, cooperation with civil authorities, fraudulent use, tampering with or destroying Company facilities.
  - i. The Company may collect a reconnect fee, as prescribed in §VI.1.d. before restoring gas service which has been discontinued for the above causes.
25. UNAUTHORIZED USE OF SERVICE - Unauthorized use of service is defined as any deliberate interference or tampering with a Company meter, pressure regulator, registration, connections, equipment, seals, procedures or records resulting in a loss of revenue to the Company. Unauthorized service includes reconnection of service that has been discontinued, without the Company's consent.

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- a. Types of unauthorized use of service includes, but is not limited to, tampering or unauthorized reconnection by the following methods:
  - 1. Bypass piping around meter.
  - 2. Bypass piping installed in place of meter.
  - 3. Meter reversed.
  - 4. Meter index disengaged or removed.
  - 5. Service or equipment tampered with or piping connected ahead of meter.
  - 6. Tampering with meter or pressure regulator that affects the accurate registration of gas usage.
  - 7. Gas being used after service has been discontinued by the Company.
  - 8. Gas being used after service has been discontinued by the Company as a result of a new customer turning gas on without the proper connect request.

- b. Any charges for damage to Company property will be billed to the customer. The customer may also be charged for:
  - 1. Time, material and transportation costs used in investigation or surveillance.
  - 2. Estimated charge for non-metered gas.
  - 3. On-premise time to correct situation.
  - 4. A minimum fee of \$30.00 will apply, §VI (1)(d).

All such charges shall be at current standard or customary amounts being charged for similar services, equipment, facilities and labor by the Company.

- c. Reconnection of Service:  
Customer service discontinued for any of the above reasons shall be reconnected after a customer has furnished satisfactory evidence of compliance with Company's rules and conditions of service, and paid any service charges which are due, including:

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1. All delinquent bills, if any;
  2. The amount of any Company revenue loss attributable to said unauthorized use of service;
  3. Expenses incurred by the Company in replacing or repairing the meter or other equipment, costs incurred in preparation of the bill, and costs outlined in paragraph b. above;
  4. Applicable Reconnection fee; and
  5. A cash deposit, the amount of which will not exceed the maximum amount determined in accordance with §V.6 Customer Deposits.
26. RATE FOR EMPLOYEES - A bill discount may be available for residential use only in a single family unit served by Montana-Dakota Utilities Co. to qualifying retirees of MDU Resources and its subsidiaries. The bill shall be computed at the applicable rate, and the amount reduced by 33 1/3 percent.
27. REFUSAL TO SERVE NEW CUSTOMERS OR EXPAND EXISTING SERVICE – The Company may refuse to provide, expand or materially change service to a requesting customer when:
- a. The Company does not have adequate facilities to render the service requested and the customer is not willing to comply with the Company’s gas service extension policy tariffs.
  - b. The requested service appears to be unsafe or likely to adversely affect service to another customer; or
  - c. The requesting customer is indebted to the utility for service previously rendered and satisfactory payment arrangements have not been made with the Company.
    1. If indebtedness for service rendered at a former location is in dispute, the requesting customer shall be provided service at the new location upon complying with the Company’s deposit requirements and paying the amount in dispute. Upon settlement of the disputed amount, any balance due the customer shall be refunded with accrued interest at the Commission’s Authorized

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# Montana-Dakota Utilities Co.

400 N 4<sup>th</sup> Street  
Bismarck, ND 58501

## State of Wyoming Gas Rate Schedule

W.P.S.C. Tariff No. 3  
Original Sheet No. 111

### CONDITIONS OF SERVICE Rate 100

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Interest Rate defined in Chapter 1 of the Wyoming Public Service Commission's Rules.

2. The Company shall not refuse service to a new customer because of debts of a previous customer at the same location.
3. The Company may refuse service due to unpaid line extension charges for facilities serving the location.

28. SEE ALSO THE FOLLOWING RATES FOR SPECIAL PROVISIONS:

- Rate 119 - Interruptible Gas Service Extension Policy
- Rate 120 - Firm Gas Service Extension Policy
- Rate 122 - AutoPay Plan
- Rate 124 - Replacement, Relocation and Repair of Gas Service Lines
- Rate 125 - Balanced Billing Plan
- Rate 136 - Rule Covering Company Meter Testing Program

### VI. MISCELLANEOUS CHARGES

	<u>Amount or Reference</u>
1. Service Charges	
a. Consumer deposits	§V.6.
b. Returned check	\$30.00
c. Manual Meter Reading Charge	\$26.05
d. Reconnect charge after discontinuation of service for nonpayment or other causes	
- During normal business hours 8:00 a.m. – 5:00 p.m. local time	\$30.00
- After normal business hours	Minimum of \$140.00

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- e. Minimum reconnect charge applicable to seasonal or temporary customers (See Rate 100 §V.21)
    - During normal business hours \$30.00 minimum
    - After normal business hours Minimum of \$140.00
  - f. Reconnection charge applicable to transport customers when electronic metering must be reinstalled \$160.00
  - g. Special test of meter at customer's request (see Rate 100 §V.7f.2. as to when this charge is applicable)
    - Meter error more than ±2% None
    - Meter error within ±2% and meter was tested within the prior 12 months Labor & materials Minimum of \$30.00
  - h. Service request after normal business hours Materials & Labor Minimum of \$140.00
  - i. Firm service main extension Rate 120
  - j. Interruptible service main extension Rate 119
- 
- |                                |              |                |
|--------------------------------|--------------|----------------|
|                                | <u>Per</u>   | <u>Approx.</u> |
|                                | <u>Month</u> | <u>Annual</u>  |
| 2. Late Payment Charges –      | 1%           | 12%            |
| Undisputed (on unpaid balance) |              |                |

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