

400 North Fourth Street  
Bismarck, ND 58501  
701-222-7900

July 6, 2020

Executive Secretary  
North Dakota Public Service Commission  
State Capitol Building  
Bismarck, ND 58505-0480

Re: Miscellaneous Gas Tariff Revisions  
Case No. PU-20-\_\_\_\_\_

Montana-Dakota Utilities Co. (Montana-Dakota) herewith electronically submits for Commission approval proposed revisions to the Company's Firm General Contracted Demand Service Rate 74 and the Reconnection Fee for Seasonal Customers under General Provisions Rate 100 to be effective September 1, 2020. The proposed revisions to the tariff sheets are outlined further below.

Montana-Dakota requests approval of the following gas tariff sheets, provided herein as Attachment A:

- Firm General Contracted Demand Service Rate 74 1<sup>st</sup> Revised Sheet Nos. 16 through 16.1.
- General Provisions Rate 100
  - 4<sup>th</sup> Revised Sheet No. 42
  - 5<sup>th</sup> Revised Sheet No. 42.1
  - 4<sup>th</sup> Revised Sheet No. 42.2
  - 5<sup>th</sup> Revised Sheet No. 42.3
  - 4<sup>th</sup> Revised Sheet Nos. 42.4 through 42.9
  - 6<sup>th</sup> Revised Sheet No. 42.10
  - 4<sup>th</sup> Revised Sheet No. 42.11
  - 6<sup>th</sup> Revised Sheet Nos. 42.12 through 42.14
  - 7<sup>th</sup> Revised Sheet Nos. 42.15 through 42.17
  - 5<sup>th</sup> Revised Sheet No. 42.18
  - 1<sup>st</sup> Revised Sheet No. 42.19
  - Original Sheet No. 42.20

**Firm General Contracted Demand Service Rate 74**

In Montana-Dakota's last general rate case, Case No. PU-17-295, Montana-Dakota proposed a new firm service tariff, Firm General Contracted Demand Service Rate 74 . The tariff is applicable to all non-residential customers with standby natural gas generators and, on an optional basis, to customers qualifying for service under the Company's

interruptible service tariffs but have requested and received Company approval for firm demand service. The Commission approved the new tariff on September 26, 2018, with the new tariff implemented on December 1, 2018.

The Company is now proposing changes to Rate 74 to clarify certain provisions of the tariff, related to contract requirements with the customer. Today, all customers taking service under the tariff must sign a Firm General Contracted Demand Agreement prior to starting service under the tariff. Montana-Dakota is proposing to modify Rate 74 to clarify that a Firm General Contracted Demand Agreement will only be required of those customers choosing to take service under the tariff. Non-residential standby generators are required to take service under Rate 74 and therefore would no longer be required to enter into an agreement. With the proposed revision regarding contracts, corresponding changes are also necessary to the Determination of Billing Demand and Metering Requirement provisions. All customers will be still be required to consult with the Company (1) prior to the initiation of service under the tariff in order to establish the customer's contracted demand and (2) prior to the installation of a meter in order to determine if additional metering equipment is necessary for the customer's service.

#### **General Provisions Rate 100 (Seasonal Reconnects)**

Customers requesting the reconnection of service at a location where that customer discontinued the same service during the preceding twelve-month period will be charged a seasonal reconnection charge as outlined in the Company's General Provisions Rate 100 tariff, section 5, paragraph 20. Montana-Dakota is now proposing to revise paragraph 20 to include the Capacity Reservation Charge applicable under the Gwinner Pipeline Capacity Reservation Charge Rate 75 tariff in the determination of the seasonal reconnection charge.

On September 7, 2017 in Case No. PU-17-346, Montana-Dakota filed an application to implement a Capacity Reservation Charge, designated as Gwinner Pipeline Capacity Reservation Charge Rate 75. The Commission approved Rate 75 on November 29, 2017 and is applicable to all customers requesting natural gas service from Montana-Dakota where service is provided off of the Gwinner Pipeline Expansion Project. A portion of the revenue collected under Rate 75 is credited back to Bobcat Company (Bobcat) based on the annual quantities reserved by customers located along this pipeline route and in the communities of Gwinner and Milnor, North Dakota. The remainder of the Rate 75 revenue is credited to the total cost of the Gwinner Pipeline project.

The charges applicable under Rate 75 are designed, in conjunction with the contract demand charge paid by Bobcat under the Bobcat Agreement, to recover the costs associated with the Gwinner Pipeline Expansion Project. Both Rate 75 and Bobcat's charges are designed assuming annual demand quantities. Customers in service less than a year are therefore not fully contributing to the cost of the project, in effect causing other customers under Rate 75 and Bobcat to bear the seasonal customer's cost responsibility while out of service. To eliminate this shift due to seasonal reconnections, it is appropriate to revise Rate 100's seasonal reconnection provision to include Rate 75's Capacity

Reservation Charges in the determination of the seasonal reconnection charge applicable under Rate 75.

The proposed changes to the seasonal reconnection charge provision affected the pagination of Rate 100 and therefore all pages of Rate 100 are included in Attachment A.

Please refer all inquiries regarding this filing to:

Travis R. Jacobson  
Director of Regulatory Affairs  
Montana-Dakota Utilities Co.  
400 North Fourth Street  
Bismarck, ND 58501

Also, please send copies of all written inquiries, correspondence, and pleadings to:

Karl Liepitz  
Assistant General Counsel  
MDU Resources Group, Inc.  
P.O. Box 5650  
Bismarck, ND 58506-5650  
[Karl.Liepitz@MDUResources.com](mailto:Karl.Liepitz@MDUResources.com)

Montana-Dakota submitted a check for \$600.00 on March 6, 2020 to the North Dakota Public Service Commission for upcoming filing fees. This payment will cover the filing fee associated with this filing in accordance with North Dakota Century Code Section 49-05-05.

Montana-Dakota respectfully requests that this filing be accepted as being in full compliance with the filing requirements of this Commission.

Please contact me at (701) 222-7855 or at [travis.jacobson@mdu.com](mailto:travis.jacobson@mdu.com) with any questions regarding this filing.

Sincerely,

*/s/ Travis R. Jacobson*

Travis R. Jacobson  
Director of Regulatory Affairs

Attachments

cc: Karl Liepitz  
Garret Senger

# Attachment A



# Montana-Dakota Utilities Co.

A Division of MDU Resources Group, Inc.

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

1<sup>st</sup> Revised Sheet No. 16

Canceling Original Sheet No. 16

### FIRM GENERAL CONTRACTED DEMAND SERVICE Rate 74

Page 1 of 2

#### Availability:

In all communities served applicable to non-residential customers with standby natural gas generators and, available on an optional basis to, customers qualifying for service under the interruptible service tariffs that have requested, and received approval from the Company, for gas service under this rate.

#### Rate:

##### Basic Service Charge:

For customers with meters rated under 500 cubic feet per hour	\$0.70 per day
For customers with meters rated over 500 cubic feet per hour	\$2.05 per day

Distribution Demand Charge: \$6.51 per Dk per month of billing demand

Capacity Charge per  
Monthly Demand Dk: Determined Monthly – See Rate Summary  
Sheet for Current Rate

Cost of Gas –  
Commodity per Dk: Determined Monthly – See Rate Summary  
Sheet for Current Rate

#### Minimum Bill:

Basic Service Charge, Distribution Demand Charge, and Capacity Charge.

#### Payment:

Billed amounts will be considered past due if not paid by the due date shown on the bill. Past due bills are subject to a late payment charge in accordance with the provisions of Rate 100, §V.13, or any amendments or alterations thereto.

#### Determination of Monthly Billing Demand:

Customer's billing demand will be determined in consultation with the Company. Customer's actual demand will be reviewed annually and, if warranted, a new monthly billing demand established.

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## State of North Dakota Gas Rate Schedule

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NDPSC Volume 7

1<sup>st</sup> Revised Sheet No. 16.1

Canceling Original Sheet No. 16.1

### **FIRM GENERAL CONTRACTED DEMAND SERVICE Rate 74**

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Page 2 of 2

#### **Cost of Gas:**

The cost of gas includes all applicable cost of gas items as defined in Cost of Gas – Natural Gas Rate 88 or any amendments or alterations thereto. The Cost of Gas component is subject to change on a monthly basis.

#### **Metering Requirements:**

1. Service provided for under tariff must be separately metered from customer's other gas services.
2. Remote data acquisition equipment (telemetry equipment) may be required by the Company for a single customer installation for daily measurement.
3. Customer may be required, upon consultation with the Company, to contribute towards any additional metering equipment necessary for daily measurement by the Company, depending on the location of the customer to the Company's network facilities. Enhancements and/or modifications to these services may be required to ensure equipment functionality. Such enhancements or modifications shall be completed at the direction of the Company with all associated costs the Customer's responsibility. Any interruption in such services must be promptly remedied or service under this tariff will be suspended until satisfactory corrections have been made.
4. Consultation between the customer and the Company regarding telemetry requirements shall occur prior to meter installation.

#### **General Terms and Conditions:**

1. Customers with standby gas generators required to take service under this schedule are not required to execute a contract. Other customers choosing to take service under this schedule will be required to execute a contract applicable for a minimum period of one year.
2. The foregoing schedule is subject to Rates 100 through 124 and any amendments or alterations therefore or additional rules and regulations promulgated by the Company under the laws of the state.

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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7  
4<sup>th</sup> Revised Sheet No. 42  
Canceling 3<sup>rd</sup> Revised Sheet No. 42

### TABLE OF CONTENTS GENERAL PROVISIONS Rate 100

Page 1 of 21

<u>Title</u>	<u>Page No.</u>
I. Purpose	3
II. Definitions	3-4
III. Customer Obligations	
1. Application for Service	5
2. Service Availability	5
3. Input Rating	5-6
4. Access to Customer's Premises	6
5. Company Property	6
6. Interference with Company Property	6
7. Relocated Lines	6
8. Notification of Leaks	6
9. Termination of Service	6
10. Reporting Requirements	7
11. Quality of Gas	7
IV. Liability	
1. Continuity of Service	7
2. Customer's Equipment	7
3. Company Equipment and Use of Service	7
4. Indemnification	7-8
5. Force Majeure	8-9

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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

5<sup>th</sup> Revised Sheet No. 42.1

Canceling 4<sup>th</sup> Revised Sheet No. 42.1

### TABLE OF CONTENTS GENERAL PROVISIONS Rate 100

Page 2 of 21

<u>Title</u>	<u>Page No.</u>
V. General Terms and Conditions	
1. Agreement	9
2. Rate Options	9
3. Rules for Application of Gas Service	9-10
4. Dispatching	10
5. Rules Covering Gas Service to Manufactured Homes	10-11
6. Consumer Deposits	11
7. Metering and Measurement	11-12
8. Measurement Unit for Billing Purposes	12
9. Unit of Volume for Measurement	12-13
10. Billing Adjustments	13-14
11. Priority of Service & Allocation of Capacity	14
12. Excess Flow Valves	15
13. Late Payment	15
14. Returned Check Charge	15
15. Tax Clause	15
16. Utility Customer Services	15-16
17. Utility Services Performed After Normal Business Hours	16
18. Notice to Discontinue Gas Service	17
19. Installing Temporary Metering Facilities or Services	17
20. Reconnection Fee for Seasonal or Temporary Customers	17-18
21. Disconnection of Service for Nonpayment of Bills	18
22. Disconnection of Service for Causes Other Than Nonpayment of Bills	18-19
23. Unauthorized Use of Service	19-20
24. Bill Discount for Qualifying Employees	20
25. Additional Rates Identifying Special Provisions	21

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**State of North Dakota  
Gas Rate Schedule**

NDPSC Volume 7  
4<sup>th</sup> Revised Sheet No. 42.2  
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**GENERAL PROVISIONS Rate 100**

**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 and regulations of the Public Service Commission of North Dakota and as supplemented by these general provisions, as now in effect or as may hereafter be lawfully established, and in accepting service from the Company, each customer agrees to comply with and be bound by said rules and regulations and the applicable rate schedules.

**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 – Public Service Commission of the State of North Dakota.

COMPANY – Montana-Dakota Utilities Co.

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. Also includes any reduction of transportation natural gas service deemed necessary by the Pipeline.

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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

5<sup>th</sup> Revised Sheet No. 42.3

Canceling 4<sup>th</sup> Revised Sheet No. 42.3

### GENERAL PROVISIONS Rate 100

Page 4 of 21

**CUSTOMER** – Any individual, partnership, corporation, firm, other organization or government agency supplied with service by Company at one location and at one point of delivery unless otherwise expressly 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 Company’s meter(s) located on 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 Company.

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

**PIPELINE** – The transmission company(s) delivering natural gas into 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, and any rules, regulations, practices or contracts affecting any such compensation, charge, fare, toll, rental or classification.

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

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

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**Case No.:**



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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

4<sup>th</sup> Revised Sheet No. 42.4

Canceling 3<sup>rd</sup> Revised Sheet No. 42.4

### GENERAL PROVISIONS Rate 100

Page 5 of 21

#### III. CUSTOMER OBLIGATION:

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 a customer or terminate service to a customer who fails or refuses to furnish reasonable information requested by the Company for the establishment of a service account. Any person 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 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.

2. SERVICE AVAILABILITY – Gas will normally be delivered at standard pressures of four to six ounces, dependent on the service territory where the gas service is being delivered. 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 Company's sole discretion, 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

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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

4<sup>th</sup> Revised Sheet No. 42.5

Canceling 3<sup>rd</sup> Revised Sheet No. 42.5

### GENERAL PROVISIONS Rate 100

Page 6 of 21

equipment will conform to the Company's ability to adequately serve such installations with gas.

4. ACCESS TO CUSTOMER'S PREMISES – Company representatives, when properly identified, shall have access to customer's premises Monday through Friday, 8:00 a.m. to 5:00 p.m., unless an emergency requires access outside of these hours, 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 Company 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 of any escape of gas in or about the customer's premises.
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.

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## State of North Dakota Gas Rate Schedule

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NDPSC Volume 7

4<sup>th</sup> Revised Sheet No. 42.6

Canceling 3<sup>rd</sup> Revised Sheet No. 42.6

### GENERAL PROVISIONS Rate 100

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Page 7 of 21

10. REPORTING REQUIREMENTS – Customer shall furnish 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 transporting Pipeline's tariff.

#### 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.
2. CUSTOMER'S EQUIPMENT – Neither by inspection or non-rejection, nor in any other way does the Company give any warranty, express 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. 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.
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 – Customer agrees to indemnify and hold 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

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**State of North Dakota  
Gas Rate Schedule**

NDPSC Volume 7  
4<sup>th</sup> Revised Sheet No. 42.7  
Canceling 3<sup>rd</sup> Revised Sheet No. 42.7

**GENERAL PROVISIONS Rate 100**

injury, death, loss or damage resulting from Company’s negligent or wrongful acts under and during 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, 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 customer’s gas are destroyed while in 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 the public enemy 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.

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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

4<sup>th</sup> Revised Sheet No. 42.8

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### GENERAL PROVISIONS Rate 100

Page 9 of 21

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 authorization 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.

#### V. GENERAL TERMS AND CONDITIONS:

1. AGREEMENT – Upon request of the Company, 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: separately metered units, such as single private residences, single apartments, mobile homes with separate meters and sorority and fraternity houses. In addition, auxiliary buildings on the same premise as the living quarters when used for residential purposes may be served on the residential rate. This is not an all-inclusive list.
  - (b) Nonresidential service is defined as service provided to a business enterprise in space occupied and operated for nonresidential purposes.

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## State of North Dakota Gas Rate Schedule

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NDPSC Volume 7

4<sup>th</sup> Revised Sheet No. 42.9

Canceling 3<sup>rd</sup> Revised Sheet No. 42.9

### GENERAL PROVISIONS Rate 100

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Page 10 of 21

Typical service would include stores, offices, shops, restaurants, boarding houses, hotels, service garages, wholesale houses, filling stations, barber shops, beauty salons, 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 an entire premise through a single delivery and metering point. Separate supply for the same customer at other points of consumption may be separately metered and billed.
  - (d) If separate metering is not practical for a single unit (one premise) that is using gas for both domestic purposes and for conducting business (or for nonresidential purposes as defined herein), 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 Nonresidential) applicable to the type of service which constitutes 50% or more of the customer's total connected load.
  - (e) 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 on the Nonresidential rates.
4. DISPATCHING – Transportation customers will adhere to gas dispatching policies and procedures established by Company to facilitate transportation service. Company will inform customer of any changes in dispatching policies that may affect transportation services as they occur.
  5. RULES COVERING GAS SERVICE TO MANUFACTURED HOMES – The rules and regulation for providing gas service to manufactured homes are in accordance with the Code of Federal Regulations (24CFR Part 3280 – Manufactured Homes Construction and Safety Standards) Subpart G and H which pertain to gas piping and appliance installation. In addition to the above rules, the Company also follows the regulations set forth in the NFPA

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Bismarck, ND 58501

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

6<sup>th</sup> Revised Sheet No. 42.10

Canceling 5<sup>th</sup> Revised Sheet No. 42.10

### GENERAL PROVISIONS Rate 100

Page 11 of 21

501A, Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities.

6. CONSUMER DEPOSITS – The Company will determine whether or not a deposit shall be required of an applicant for gas service in accordance with the following criteria:
  - (a) The amount of such deposit shall not exceed one and one-half times the estimated amount of one month’s average bill.
  - (b) The Company may accept in lieu of a cash deposit a contract signed by a guarantor, satisfactory to the Company, whereby the payment of a specified sum not to exceed the required cash deposit is guaranteed. The term of such contract shall be indeterminate, but it shall automatically terminate when the customer gives notice of service discontinuance to the Company or a change in location covered by the guarantee agreement of thirty days after written request for termination is made to the utility by the guarantor. However, no agreement shall be terminated without the customer having made satisfactory settlement for any balance, which the customer owes the Company. Upon termination of a guarantee contract, a new contract or a cash deposit may be required by the Company.

A deposit shall earn interest at the rate paid by the Bank of North Dakota on a six-month certificate of deposit as of the first business day of each year. Interest shall be credited to the customer’s account annually during the month of December.

Deposits with interest shall be refunded to customers at termination of service provided all billings for service have been paid. Deposits with interest will be refunded to all active customers, after the deposit has been held for twelve months, provided prompt payment record has been established.

7. METERING AND MEASUREMENT:
  - (a) Company will meter the volume of natural gas delivered to customer at the delivery point. Such meter measurement will be conclusive upon both

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# Montana-Dakota Utilities Co.

A Division of MDU Resources Group, Inc.

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

4<sup>th</sup> Revised Sheet No. 42.11

Canceling 3<sup>rd</sup> Revised Sheet No. 42.11

### GENERAL PROVISIONS Rate 100

Page 12 of 21

parties unless such meter is found to be inaccurate, in which case the quantity supplied to 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 customer's operations and other pertinent facts. Company will test meters in accordance with applicable state utility rules and regulations.

- (b) Interruptible sales and transportation service customers agree to provide the cost of the installation of remote data acquisition equipment; as required, to the Company before service is implemented as provided for in the applicable rate schedule.
  - (c) 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, provided the equipment shall not interfere with such delivery or with the Company's meter.
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 – The 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). All measurement of natural gas by orifice meter shall be reduced to this standard by computation methods, in accordance with procedures contained in ANSI-API Standard 2530, First Edition, as amended. Where natural gas is measured with positive displacement or

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# Montana-Dakota Utilities Co.

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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

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### GENERAL PROVISIONS Rate 100

Page 13 of 21

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. 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 published by the American Gas Association, Inc., copyright 1955, as amended or superseded. Where gas is measured with electronic correcting instruments at pressures greater than local sales base, supercompressibility will be calculated in the corrector using AGA-3/NX-19, as amended, supercompressibility calculation. For handbilled accounts, application of supercompressibility factors will be waived on monthly-billed volumes of 250 dk or less.

Local sales base pressure is defined as four to six ounces (depending on service area) per square inch gauge pressure plus local average atmospheric pressure.

#### 10. BILLING ADJUSTMENTS –

- (a) In the event a customer's gas service bill is found in error resulting from a meter equipment failure, the Company may adjust back and rebill the bills in error for a period not to exceed six months.
- (b) In the event a customer's gas service bill is found in error due to a reason other than that stated in (a) above resulting in an undercharge and where the service is identified as Residential Service Rates 60 or 90, the Company may adjust back and rebill the bills in error for a period not to exceed six months.
- (c) In the event a customer's gas service bill is found in error due to a reason other than that stated in (a) above resulting in an undercharge and where the service is identified as non-residential (gas service provided under all rate schedules other than Rates 60 or 90), the Company may adjustment back and rebill the bills in error for a period not to exceed six years.
- (d) In the event a customer's gas service bill is found in error resulting in an overcharge, the Company may adjust back to the known date of error and

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# Montana-Dakota Utilities Co.

A Division of MDU Resources Group, Inc.

400 N 4<sup>th</sup> Street  
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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

6<sup>th</sup> Revised Sheet No. 42.13

Canceling 5<sup>th</sup> Revised Sheet No. 42.13

### GENERAL PROVISIONS Rate 100

Page 14 of 21

refund the customer the amount of the overbilled for a period not to exceed six years from the date of payment.

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 at the maximum rate on a pro rata basis.
  - (c) Priority 3 – Small interruptible sales at less than the maximum rate from the highest rate to the lowest rate on the pro rata basis where equal rates are applicable among customers.
  - (d) Priority 4 – Large interruptible sales at the maximum rate on a pro rata basis.
  - (e) Priority 5 – Small interruptible transportation services from the highest rate to the lowest rate and on a pro rata basis where equal rates are applicable among customers.
  - (f) Priority 6 – Large interruptible transportation services from the highest rate to the lowest rate and on a pro rata basis where equal rates are applicable among customers.
  - (g) Priority 7 – 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 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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# Montana-Dakota Utilities Co.

A Division of MDU Resources Group, Inc.

400 N 4<sup>th</sup> Street  
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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

6<sup>th</sup> Revised Sheet No. 42.14

Canceling 5<sup>th</sup> Revised Sheet No. 42.14

### GENERAL PROVISIONS Rate 100

Page 15 of 21

- 12. EXCESS FLOW VALVE – 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 at a mutually agreeable date. The actual cost of the installation will be assessed to the customer.
- 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 1 percent per month will be applied to any past due balance, 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 of \$15.00 will be collected by the Company for any check for any reason not honored by customer’s bank.
- 15. TAX CLAUSE –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 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.

The charges to be added to the customer’s 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.

- 16. 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.

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# Montana-Dakota Utilities Co.

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400 N 4<sup>th</sup> Street  
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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

7<sup>th</sup> Revised Sheet No. 42.15

Canceling 6<sup>th</sup> Revised Sheet No. 42.15

### GENERAL PROVISIONS Rate 100

Page 16 of 21

- (3) Investigate hazardous condition on customer premises, such as gas leaks, odor complaints, combustion gas fumes.
- (4) 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:

- (1) Cut-ins and cut-outs.
- (2) High bills or inadequate service complaints.
- (3) Location of underground Company facilities for contractors, builders, plumbers, etc.

17. UTILITY SERVICES PERFORMED AFTER NORMAL BUSINESS HOURS – For service requested by customers after the Company's normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday local time, a charge will be made for labor at standard overtime service rates.

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 work day for a disconnection or reconnection of service that same day. For calls received after 12:00 p.m. on a regular work day, customers will be advised that over time 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.

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400 N 4<sup>th</sup> Street  
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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

7<sup>th</sup> Revised Sheet No. 42.16

Canceling 6<sup>th</sup> Revised Sheet No. 42.16

### GENERAL PROVISIONS Rate 100

Page 17 of 21

18. NOTICE TO DISCONTINUE GAS SERVICE – Customers desiring to have their gas service disconnected shall notify the Company during regular business hours, one business day before service is to be disconnected. 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.

19. 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.

20. RECONNECTION FEE FOR SEASONAL OR TEMPORARY CUSTOMER – A customer who requests reconnection of service, during normal working hours, 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 and a charge of \$30.00. The minimum will be based on standard overtime rates for reconnecting service after normal business hours. The Capacity Reservation Charge under Gwinner Pipeline Reservation Charge Rate 75 will also be applicable during the period service was not being used, if the Capacity Reservation Charge is applicable to the customer while in service.

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 = 188 dk; Large Firm General = 1272 dk; Small Firm General Propane = 173 dk; Large Firm General Propane = 2089 dk; and Small Interruptible = 6227 dk). A reconnection fee of \$30.00 will also apply to reconnections. The minimum will be based on standard overtime rates for reconnecting service occurring after normal business hours. The Capacity Reservation Charge under Gwinner Pipeline Reservation

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

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Canceling 6<sup>th</sup> Revised Sheet No. 42.17

### GENERAL PROVISIONS Rate 100

Page 18 of 21

Charge Rate 75 will also be applicable during the period service was not being used, if the Capacity Reservation Charge is applicable to the customer while in service.

Transportation customers who cease service and then resume service within the succeeding 12 months shall be subject to a minimum reconnection charge of \$160.00 whenever reinstallation of the required remote data acquisition equipment is necessary.

- 21. DISCONNECTION OF SERVICE FOR NONPAYMENT OF BILLS – All amounts billed for service are due when rendered and will be considered delinquent if not paid by 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 under the applicable rules of the Commission.

The Company may collect a fee of \$30.00 before restoring gas service, which has been disconnected for nonpayment of service bills during normal business hours. For calls received after 12:00 p.m. on a regular work day, customers will be advised that over time 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.

- 22. DISCONNECTION 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.

For violation of or noncompliance with the Company’s rules on file with the Commission

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**Case No.:**



# Montana-Dakota Utilities Co.

A Division of MDU Resources Group, Inc.

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

## State of North Dakota Gas Rate Schedule

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NDPSC Volume 7

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Canceling 4<sup>th</sup> Revised Sheet No. 42.18

### GENERAL PROVISIONS Rate 100

---

Page 19 of 21

- (c) For failure of the customer to fulfill the contractual obligations imposed as conditions of obtaining service.
- (d) 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.

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.

Nothing in these regulations shall be construed to prevent discontinuing service without advance notice for reasons of safety, health, cooperation with civil authorities, or fraudulent use, tampering with or destroying Company facilities.

The Company may collect a reconnect fee of \$30.00 before restoring gas service, which has been disconnected for the above causes.

23. UNAUTHORIZED USE OF SERVICE – Unauthorized use of service is defined as any deliberate interference such as tampering with a Company meter, pressure regulator, registration, connections, equipment, seals, procedures or records that result in a loss of revenue to the Company. Unauthorized service is also defined as reconnection of service that has been terminated, without the Company's consent.

- (a) Examples 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.

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## State of North Dakota Gas Rate Schedule

---

NDPSC Volume 7

1<sup>st</sup> Revised Sheet No. 42.19

Canceling Original Sheet No. 42.19

### GENERAL PROVISIONS Rate 100

---

Page 20 of 21

- (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. 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) In the event that there has been unauthorized use of service, customer shall be charged for:
- (1) Time, material and transportation costs used in investigation.
  - (2) Estimated charge for non-metered gas.
  - (3) On-premise time to correct situation.
  - (4) Any damage to Company property.
  - (5) All such charges shall be at current standard or customary amounts being charged for similar services, equipment, facilities and labor by the Company. A minimum fee of \$30.00 will apply.
- (c) Reconnection of Service:  
Gas Service disconnected for any of the above reasons shall be reconnected after a customer has furnished satisfactory evidence of compliance with the Company's rules and conditions of service, and paid any service charges which are due, including:
- (1) All delinquent bills, if any.
  - (2) The amount of any Company revenue loss attributable to said tampering.
  - (3) Expenses incurred by the Company in replacing or repairing the meter or other appliance costs incurred in preparation of the bill, plus costs as outlined in number 20.b above.
  - (4) Reconnection fee applicable.
  - (5) A cash deposit, the amount of which will not exceed the maximum amount determined in accordance with Commission Rules.
24. BILL DISCOUNT FOR QUALIFYING EMPLOYEES – A bill discount may be available for residential use only in a single family unit served by Montana-Dakota to qualifying retirees of MDU Resources and its subsidiaries. The bill shall be computed at applicable rate and the amount reduced by 33 1/3 percent.

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*A Division of MDU Resources Group, Inc.*

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

## State of North Dakota Gas Rate Schedule

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NDPSC Volume 7  
Original Sheet No. 42.20

### **GENERAL PROVISIONS Rate 100**

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Page 21 of 21

#### 25. SEE ALSO THE FOLLOWING RATES FOR SPECIAL PROVISIONS:

Rate 119 – Interruptible Gas Service Extension Policy

Rate 120 – Firm Gas Service Extension Policy

Rate 124 – Replacement, Relocation and Repair of Gas Service Lines

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# Tariffs Reflecting Proposed Changes



# Montana-Dakota Utilities Co.

A Division of MDU Resources Group, Inc.

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Bismarck, ND 58501

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

~~Original~~ 1<sup>st</sup> Revised Sheet No. 16

~~Canceling Original Sheet No. 16~~

### FIRM GENERAL CONTRACTED DEMAND SERVICE Rate 74

Page 1 of 2

#### Availability:

In all communities served applicable to non-residential customers with standby natural gas generators and, available on an optional basis to, customers qualifying for service under the interruptible service tariffs that have requested, and received approval from the Company, for gas service under this rate.

#### Rate:

##### Basic Service Charge:

For customers with meters rated under 500 cubic feet per hour	\$0.70 per day
For customers with meters rated over 500 cubic feet per hour	\$2.05 per day

Distribution Demand Charge: \$6.51 per Dk per month of billing demand

Capacity Charge per  
Monthly Demand Dk: Determined Monthly – See Rate Summary  
Sheet for Current Rate

Cost of Gas –  
Commodity per Dk: Determined Monthly – See Rate Summary  
Sheet for Current Rate

#### Minimum Bill:

Basic Service Charge, Distribution Demand Charge, and Capacity Charge.

#### Payment:

Billed amounts will be considered past due if not paid by the due date shown on the bill. Past due bills are subject to a late payment charge in accordance with the provisions of Rate 100, §V.13, or any amendments or alterations thereto.

#### Determination of Monthly Billing Demand:

~~As specified in customer's contract.~~ Customer's billing demand will be determined in consultation with the Company. Customer's actual demand will be reviewed annually and, if warranted, a new monthly billing demand established.

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Bismarck, ND 58501

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

~~Original-1<sup>st</sup> Revised~~ Sheet No. 16.1

~~Canceling Original Sheet No. 16.1~~

### FIRM GENERAL CONTRACTED DEMAND SERVICE Rate 74

Page 2 of 2

#### Cost of Gas:

The cost of gas includes all applicable cost of gas items as defined in Cost of Gas – Natural Gas Rate 88 or any amendments or alterations thereto. The Cost of Gas component is subject to change on a monthly basis.

#### Metering Requirements:

1. Service provided for under tariff must be separately metered from customer's other gas services.
2. Remote data acquisition equipment (telemetry equipment) may be required by the Company for a single customer installation for daily measurement.
3. Customer may be required, upon consultation with the Company, to contribute towards any additional metering equipment necessary for daily measurement by the Company, depending on the location of the customer to the Company's network facilities. Enhancements and/or modifications to these services may be required to ensure equipment functionality. Such enhancements or modifications shall be completed at the direction of the Company with all associated costs the Customer's responsibility. Any interruption in such services must be promptly remedied or service under this tariff will be suspended until satisfactory corrections have been made.
4. Consultation between the customer and the Company regarding telemetry requirements shall occur prior to ~~execution of the required service agreement~~ meter installation.

#### General Terms and Conditions:

1. ~~Customers with standby gas generators required to take service under this schedule are not required to execute a contract. Other customers choosing to take service under this schedule will be required to execute a contract applicable~~ The customer agrees to contract for service under the Firm General Demand Rate 74 for a minimum period of one year.
2. The foregoing schedule is subject to Rates 100 through 124 and any amendments or alterations therefore or additional rules and regulations promulgated by the Company under the laws of the state.

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A Division of MDU Resources Group, Inc.

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

~~3<sup>rd</sup>~~ 4<sup>th</sup> Revised Sheet No. 42

Canceling ~~2<sup>nd</sup>~~ 3<sup>rd</sup> Revised Sheet No. 42

### TABLE OF CONTENTS GENERAL PROVISIONS Rate 100

Page 1 of 2021

<u>Title</u>	<u>Page No.</u>
I. Purpose	3
II. Definitions	3-4
III. Customer Obligations	
1. Application for Service	5
2. Service Availability	5
3. Input Rating	5-6
4. Access to Customer's Premises	6
5. Company Property	6
6. Interference with Company Property	6
7. Relocated Lines	6
8. Notification of Leaks	6
9. Termination of Service	6
10. Reporting Requirements	7
11. Quality of Gas	7
IV. Liability	
1. Continuity of Service	7
2. Customer's Equipment	7
3. Company Equipment and Use of Service	7
4. Indemnification	7-8
5. Force Majeure	8-9

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

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### TABLE OF CONTENTS GENERAL PROVISIONS Rate 100

Page 2 of ~~2021~~

<u>Title</u>	<u>Page No.</u>
V. General Terms and Conditions	
1. Agreement	9
2. Rate Options	9
3. Rules for Application of Gas Service	9-10
4. Dispatching	10
5. Rules Covering Gas Service to Manufactured Homes	10-11
6. Consumer Deposits	11
7. Metering and Measurement	11-12
8. Measurement Unit for Billing Purposes	12
9. Unit of Volume for Measurement	12-13
10. Billing Adjustments	13-14
11. Priority of Service & Allocation of Capacity	14
12. Excess Flow Valves	15
13. Late Payment	15
14. Returned Check Charge	15
15. Tax Clause	15
16. Utility Customer Services	15-16
17. Utility Services Performed After Normal Business Hours	16
18. Notice to Discontinue Gas Service	17
19. Installing Temporary Metering Facilities or Services	17
20. Reconnection Fee for Seasonal or Temporary Customers	17-18
21. Disconnection of Service for Nonpayment of Bills	18
22. Disconnection of Service for Causes Other Than Nonpayment of Bills	18-19
23. Unauthorized Use of Service	19-20
24. Bill Discount for Qualifying Employees	20
25. Additional Rates Identifying Special Provisions	<del>2021</del>

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A Division of MDU Resources Group, Inc.

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

~~3<sup>rd</sup>~~ 4<sup>th</sup> Revised Sheet No. 42.2

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### GENERAL PROVISIONS Rate 100

Page 3 of 2021

#### 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 and regulations of the Public Service Commission of North Dakota and as supplemented by these general provisions, as now in effect or as may hereafter be lawfully established, and in accepting service from the Company, each customer agrees to comply with and be bound by said rules and regulations and the applicable rate schedules.

#### 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 – Public Service Commission of the State of North Dakota.

COMPANY – Montana-Dakota Utilities Co.

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. Also includes any reduction of transportation natural gas service deemed necessary by the Pipeline.

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# Montana-Dakota Utilities Co.

A Division of MDU Resources Group, Inc.

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

45<sup>th</sup> Revised Sheet No. 42.3

Canceling ~~3<sup>rd</sup>~~ 4<sup>th</sup> Revised Sheet No. 42.3

### GENERAL PROVISIONS Rate 100

Page 4 of 2021

**CUSTOMER** – Any individual, partnership, corporation, firm, other organization or government agency supplied with service by Company at one location and at one point of delivery unless otherwise expressly 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 Company’s meter(s) located on 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 Company.

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

**PIPELINE** – The transmission company(s) delivering natural gas into 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, and any rules, regulations, practices or contracts affecting any such compensation, charge, fare, toll, rental or classification.

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

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

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## State of North Dakota Gas Rate Schedule

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### GENERAL PROVISIONS Rate 100

Page 5 of 2021

#### III. CUSTOMER OBLIGATION:

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 a customer or terminate service to a customer who fails or refuses to furnish reasonable information requested by the Company for the establishment of a service account. Any person 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 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.

2. SERVICE AVAILABILITY – Gas will normally be delivered at standard pressures of four to six ounces, dependent on the service territory where the gas service is being delivered. 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 Company’s sole discretion, 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

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Case No.: PU-17-295



# Montana-Dakota Utilities Co.

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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

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### GENERAL PROVISIONS Rate 100

Page 6 of 2021

equipment will conform to the Company's ability to adequately serve such installations with gas.

4. ACCESS TO CUSTOMER'S PREMISES – Company representatives, when properly identified, shall have access to customer's premises Monday through Friday, 8:00 a.m. to 5:00 p.m., unless an emergency requires access outside of these hours, 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 Company 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 of any escape of gas in or about the customer's premises.
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.

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Case No.: PU-17-295



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Bismarck, ND 58501

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

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Canceling ~~2<sup>nd</sup>~~ ~~3<sup>rd</sup>~~ Revised Sheet No. 42.6

### GENERAL PROVISIONS Rate 100

Page 7 of 2021

10. REPORTING REQUIREMENTS – Customer shall furnish 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 transporting Pipeline’s tariff.

#### 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.
2. CUSTOMER’S EQUIPMENT – Neither by inspection or non-rejection, nor in any other way does the Company give any warranty, express 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. 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.
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 – Customer agrees to indemnify and hold 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

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Case No.: PU-17-295



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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

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Canceling ~~2<sup>nd</sup>~~ ~~3<sup>rd</sup>~~ Revised Sheet No. 42.7

### GENERAL PROVISIONS Rate 100

Page 8 of 2021

injury, death, loss or damage resulting from Company's negligent or wrongful acts under and during 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, 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 customer's gas are destroyed while in 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 the public enemy 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.

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Case No.: PU-17-295



# Montana-Dakota Utilities Co.

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

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Canceling ~~2<sup>nd</sup>~~ ~~3<sup>rd</sup>~~ Revised Sheet No. 42.8

### GENERAL PROVISIONS Rate 100

Page 9 of 2021

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 authorization 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.

#### V. GENERAL TERMS AND CONDITIONS:

1. AGREEMENT – Upon request of the Company, 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: separately metered units, such as single private residences, single apartments, mobile homes with separate meters and sorority and fraternity houses. In addition, auxiliary buildings on the same premise as the living quarters when used for residential purposes may be served on the residential rate. This is not an all-inclusive list.
  - (b) Nonresidential service is defined as service provided to a business enterprise in space occupied and operated for nonresidential purposes.

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Case No.: PU-17-295



# Montana-Dakota Utilities Co.

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

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Canceling ~~2<sup>nd</sup>~~ ~~3<sup>rd</sup>~~ Revised Sheet No. 42.9

### GENERAL PROVISIONS Rate 100

Page 10 of 2021

Typical service would include stores, offices, shops, restaurants, boarding houses, hotels, service garages, wholesale houses, filling stations, barber shops, beauty salons, 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 an entire premise through a single delivery and metering point. Separate supply for the same customer at other points of consumption may be separately metered and billed.
  - (d) If separate metering is not practical for a single unit (one premise) that is using gas for both domestic purposes and for conducting business (or for nonresidential purposes as defined herein), 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 Nonresidential) applicable to the type of service which constitutes 50% or more of the customer's total connected load.
  - (e) 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 on the Nonresidential rates.
4. DISPATCHING – Transportation customers will adhere to gas dispatching policies and procedures established by Company to facilitate transportation service. Company will inform customer of any changes in dispatching policies that may affect transportation services as they occur.
  5. RULES COVERING GAS SERVICE TO MANUFACTURED HOMES – The rules and regulation for providing gas service to manufactured homes are in accordance with the Code of Federal Regulations (24CFR Part 3280 – Manufactured Homes Construction and Safety Standards) Subpart G and H which pertain to gas piping and appliance installation. In addition to the above rules, the Company also follows the regulations set forth in the NFPA

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Case No.: PU-17-295



# Montana-Dakota Utilities Co.

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

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### GENERAL PROVISIONS Rate 100

Page 11 of 2021

501A, Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities.

6. CONSUMER DEPOSITS – The Company will determine whether or not a deposit shall be required of an applicant for gas service in accordance with the following criteria:
  - (a) The amount of such deposit shall not exceed one and one-half times the estimated amount of one month’s average bill.
  - (b) The Company may accept in lieu of a cash deposit a contract signed by a guarantor, satisfactory to the Company, whereby the payment of a specified sum not to exceed the required cash deposit is guaranteed. The term of such contract shall be indeterminate, but it shall automatically terminate when the customer gives notice of service discontinuance to the Company or a change in location covered by the guarantee agreement of thirty days after written request for termination is made to the utility by the guarantor. However, no agreement shall be terminated without the customer having made satisfactory settlement for any balance, which the customer owes the Company. Upon termination of a guarantee contract, a new contract or a cash deposit may be required by the Company.

A deposit shall earn interest at the rate paid by the Bank of North Dakota on a six-month certificate of deposit as of the first business day of each year. Interest shall be credited to the customer’s account annually during the month of December.

Deposits with interest shall be refunded to customers at termination of service provided all billings for service have been paid. Deposits with interest will be refunded to all active customers, after the deposit has been held for twelve months, provided prompt payment record has been established.

7. METERING AND MEASUREMENT:
  - (a) Company will meter the volume of natural gas delivered to customer at the delivery point. Such meter measurement will be conclusive upon both

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Case No.: PU-17-295



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Bismarck, ND 58501

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

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Canceling ~~2<sup>nd</sup>~~ 3<sup>rd</sup> Revised Sheet No. 42.11

### GENERAL PROVISIONS Rate 100

Page 12 of 2021

parties unless such meter is found to be inaccurate, in which case the quantity supplied to 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 customer's operations and other pertinent facts. Company will test meters in accordance with applicable state utility rules and regulations.

- (b) Interruptible sales and transportation service customers agree to provide the cost of the installation of remote data acquisition equipment; as required, to the Company before service is implemented as provided for in the applicable rate schedule.
  - (c) 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, provided the equipment shall not interfere with such delivery or with the Company's meter.
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 – The 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). All measurement of natural gas by orifice meter shall be reduced to this standard by computation methods, in accordance with procedures contained in ANSI-API Standard 2530, First Edition, as amended. Where natural gas is measured with positive displacement or

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

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Canceling 45<sup>th</sup> Revised Sheet No. 42.12

### GENERAL PROVISIONS Rate 100

Page 13 of 2021

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. 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 published by the American Gas Association, Inc., copyright 1955, as amended or superseded. Where gas is measured with electronic correcting instruments at pressures greater than local sales base, supercompressibility will be calculated in the corrector using AGA-3/NX-19, as amended, supercompressibility calculation. For handbilled accounts, application of supercompressibility factors will be waived on monthly-billed volumes of 250 dk or less.

Local sales base pressure is defined as four to six ounces (depending on service area) per square inch gauge pressure plus local average atmospheric pressure.

#### 10. BILLING ADJUSTMENTS –

- (a) In the event a customer's gas service bill is found in error resulting from a meter equipment failure, the Company may adjust back and rebill the bills in error for a period not to exceed six months.
- (b) In the event a customer's gas service bill is found in error due to a reason other than that stated in (a) above resulting in an undercharge and where the service is identified as Residential Service Rates 60 or 90, the Company may adjust back and rebill the bills in error for a period not to exceed six months.
- (c) In the event a customer's gas service bill is found in error due to a reason other than that stated in (a) above resulting in an undercharge and where the service is identified as non-residential (gas service provided under all rate schedules other than Rates 60 or 90), the Company may adjustment back and rebill the bills in error for a period not to exceed six years.
- (d) In the event a customer's gas service bill is found in error resulting in an overcharge, the Company may adjust back to the known date of error and

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Case No.: PU-17-295



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A Division of MDU Resources Group, Inc.

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

56<sup>th</sup> Revised Sheet No. 42.13

Canceling 45<sup>th</sup> Revised Sheet No. 42.13

### GENERAL PROVISIONS Rate 100

Page 14 of 2021

refund the customer the amount of the overbilled for a period not to exceed six years from the date of payment.

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 at the maximum rate on a pro rata basis.
  - (c) Priority 3 – Small interruptible sales at less than the maximum rate from the highest rate to the lowest rate on the pro rata basis where equal rates are applicable among customers.
  - (d) Priority 4 – Large interruptible sales at the maximum rate on a pro rata basis.
  - (e) Priority 5 – Small interruptible transportation services from the highest rate to the lowest rate and on a pro rata basis where equal rates are applicable among customers.
  - (f) Priority 6 – Large interruptible transportation services from the highest rate to the lowest rate and on a pro rata basis where equal rates are applicable among customers.
  - (g) Priority 7 – 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 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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Case No.: PU-17-295



# Montana-Dakota Utilities Co.

A Division of MDU Resources Group, Inc.

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

~~56<sup>th</sup>~~ Revised Sheet No. 42.14

Canceling ~~45<sup>th</sup>~~ Revised Sheet No. 42.14

### GENERAL PROVISIONS Rate 100

Page 15 of ~~2021~~

12. EXCESS FLOW VALVE – 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 at a mutually agreeable date. The actual cost of the installation will be assessed to the customer.
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 1 percent per month will be applied to any past due balance, 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 of \$15.00 will be collected by the Company for any check for any reason not honored by customer’s bank.
15. TAX CLAUSE –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 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.

The charges to be added to the customer’s 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.

16. 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.

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Case No.: PU-17-295



# Montana-Dakota Utilities Co.

A Division of MDU Resources Group, Inc.

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

67<sup>th</sup> Revised Sheet No. 42.15

Canceling 56<sup>th</sup> Revised Sheet No. 42.15

### GENERAL PROVISIONS Rate 100

Page 16 of 2021

- (3) Investigate hazardous condition on customer premises, such as gas leaks, odor complaints, combustion gas fumes.
- (4) 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:
  - (1) Cut-ins and cut-outs.
  - (2) High bills or inadequate service complaints.
  - (3) Location of underground Company facilities for contractors, builders, plumbers, etc.

17. UTILITY SERVICES PERFORMED AFTER NORMAL BUSINESS HOURS – For service requested by customers after the Company's normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday local time, a charge will be made for labor at standard overtime service rates.

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 work day for a disconnection or reconnection of service that same day. For calls received after 12:00 p.m. on a regular work day, customers will be advised that over time 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.

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# Montana-Dakota Utilities Co.

A Division of MDU Resources Group, Inc.

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

## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

67<sup>th</sup> Revised Sheet No. 42.16

Canceling 56<sup>th</sup> Revised Sheet No. 42.16

### GENERAL PROVISIONS Rate 100

Page 17 of 2021

18. NOTICE TO DISCONTINUE GAS SERVICE – Customers desiring to have their gas service disconnected shall notify the Company during regular business hours, one business day before service is to be disconnected. 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.

19. 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.

20. RECONNECTION FEE FOR SEASONAL OR TEMPORARY CUSTOMER – A customer who requests reconnection of service, during normal working hours, 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 and a charge of \$30.00. The minimum will be based on standard overtime rates for reconnecting service after normal business hours. The Capacity Reservation Charge under Gwinner Pipeline Reservation Charge Rate 75 will also be applicable during the period service was not being used, if the Capacity Reservation Charge is applicable to the customer while in service.

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 = 188 dk; Large Firm General = 1272 dk; Small Firm General Propane = 173 dk; Large Firm General Propane = 2089 dk; and Small Interruptible = 6227 dk). A reconnection fee of \$30.00 will also apply to reconnections. The minimum will be based on standard overtime rates for reconnecting service occurring after normal business hours The Capacity Reservation Charge under Gwinner Pipeline Reservation

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NDPSC Volume 7

~~67~~<sup>67</sup><sup>th</sup> Revised Sheet No. 42.16

Canceling ~~56~~<sup>56</sup><sup>th</sup> Revised Sheet No. 42.16

### GENERAL PROVISIONS Rate 100

Page 17 of ~~2021~~

Charge Rate 75 will also be applicable during the period service was not being used, if the Capacity Reservation Charge is applicable to the customer while in service.

Transportation customers who cease service and then resume service within the succeeding 12 months shall be subject to a minimum

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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

67<sup>th</sup> Revised Sheet No. 42.17

Canceling 56<sup>th</sup> Revised Sheet No. 42.17

### GENERAL PROVISIONS Rate 100

Page 18 of 2021

reconnection charge of \$160.00 whenever reinstallation of the require remote data acquisition equipment is necessary.

- 21. DISCONNECTION OF SERVICE FOR NONPAYMENT OF BILLS – All amounts billed for service are due when rendered and will be considered delinquent if not paid by 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 under the applicable rules of the Commission.

The Company may collect a fee of \$30.00 before restoring gas service, which has been disconnected for nonpayment of service bills during normal business hours. For calls received after 12:00 p.m. on a regular work day, customers will be advised that over time 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.

- 22. DISCONNECTION 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.

For violation of or noncompliance with the Company’s rules on file with the Commission

- (c) For failure of the customer to fulfill the contractual obligations imposed as conditions of obtaining service.
- (d) 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.

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# Montana-Dakota Utilities Co.

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400 N 4<sup>th</sup> Street  
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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

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### GENERAL PROVISIONS Rate 100

Page 19 of 2021

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.

Nothing in these regulations shall be construed to prevent discontinuing service without advance notice for reasons of safety, health, cooperation with civil authorities, or fraudulent use, tampering with or destroying Company facilities.

The Company may collect a reconnect fee of \$30.00 before restoring gas service, which has been disconnected for the above causes.

23. UNAUTHORIZED USE OF SERVICE – Unauthorized use of service is defined as any deliberate interference such as tampering with a Company meter, pressure regulator, registration, connections, equipment, seals, procedures or records that result in a loss of revenue to the Company. Unauthorized service is also defined as reconnection of service that has been terminated, without the Company’s consent.

(a) Examples 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.
- ~~(35)~~ Service or equipment tampered with or piping connected ahead of meter.
- ~~(46)~~ Tampering with meter or pressure regulator that affects the accurate registration of gas usage.
- ~~(57)~~ Gas being used after service has been discontinued by the Company. 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.

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400 N 4<sup>th</sup> Street  
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## State of North Dakota Gas Rate Schedule

NDPSC Volume 7

~~Original~~ 1<sup>st</sup> Revised Sheet No. 42.19

Canceling Original Sheet No. 42.19

### GENERAL PROVISIONS Rate 100

Page 20 of 21

- (b) In the event that there has been unauthorized use of service, customer shall be charged for:
- (1) Time, material and transportation costs used in investigation.
  - (2) Estimated charge for non-metered gas.
  - (3) On-premise time to correct situation.
  - (4) Any damage to Company property.
  - (5) All such charges shall be at current standard or customary amounts being charged for similar services, equipment, facilities and labor by the Company. A minimum fee of \$30.00 will apply.
- (c) Reconnection of Service:  
Gas Service disconnected for any of the above reasons shall be reconnected after a customer has furnished satisfactory evidence of compliance with the Company's rules and conditions of service, and paid any service charges which are due, including:
- (1) All delinquent bills, if any.
  - (2) The amount of any Company revenue loss attributable to said tampering.
  - (3) Expenses incurred by the Company in replacing or repairing the meter or other appliance costs incurred in preparation of the bill, plus costs as outlined in number 20.b above.
  - (4) Reconnection fee applicable.
  - (5) A cash deposit, the amount of which will not exceed the maximum amount determined in accordance with Commission Rules.

22-24. BILL DISCOUNT FOR QUALIFYING EMPLOYEES – A bill discount may be available for residential use only in a single family unit served by Montana-Dakota to qualifying retirees of MDU Resources and its subsidiaries. The bill shall be computed at applicable rate and the amount reduced by 33 1/3 percent.

23-25. SEE ALSO THE FOLLOWING RATES FOR SPECIAL PROVISIONS:

Rate 119 – Interruptible Gas Service Extension Policy

Rate 120 – Firm Gas Service Extension Policy

Rate 124 –Replacement, Relocation and Repair of Gas Service Lines

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