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South Dakota Public Utilities Commission Meeting
August 6, 2014, at 2:00 P.M. CDT
Room 413, Capitol Building
Pierre, South Dakota

MINUTES OF THE COMMISSION MEETING

Commissioner Gary Hanson called the meeting to order. Present were: Commissioners: Chris Nelson and Kristie Fiegen; Commission Counsel: John Smith and Rolayne Wiest; Commission Advisor: Greg Rislov; Staff Attorneys: Karen Cremer and Kristen Edwards; Staff Analysts: Eric Paulson, Brian Rounds, David Henry, Darren Kearney, Robin Meyerink, and Patrick Steffensen; Consumer Affairs Supervisor: Deb Gregg; and Staff: Katlyn Gustafson

Also present were:

Brett Koenecke, May, Adam, Gerdes & Thompson, representing Northern States Power Company dba Xcel Energy; Darla Rogers, Riter, Rogers, Wattier & Northrup, LLP, representing Cheyenne River Sioux Tribe Telephone Authority and Golden West Telecommunications Cooperative, Inc.; Mona Thompson, Cheyenne River Sioux Tribe Telephone Authority; Tom Welk, Boyce, Greenfield, Pashby & Welk, LLP, representing Montana-Dakota Utilities Co. and Otter Tail Power Company; Lloyd Buntrock; Lyle Podoll; Bud Dennert; Bob Pesall, Pesall Law Firm, representing Gerald Pesall; Al Koeckeritz and Jason Weiers, Otter Tail Power Company; Rich Coit, South Dakota Telecommunications Association; and Mark Hanson, Jay Skabo, Tamie Aberle, and Henry Ford, Montana-Dakota Utilities Co.

Joining the meeting by telephone were:

Jeff Decker, NorthWestern Corporation, dba NorthWestern Energy; Ryan Taylor, Cutler & Donahoe LLP, representing Alliance Communications Cooperative Inc.; Jill Reinert, Golden West Telecommunications Cooperative, Inc.; Jim Cremer, Bantz Gosch & Cremer LLC, representing Northern Valley Communications, LLC, James Valley Wireless, LLC, and James Valley Cooperative Telephone Company; James Graft, Northern Valley Communications, LLC, James Valley Wireless, LLC, and James Valley Cooperative Telephone Company; Andrew Isar, Miller Isar, Inc., representing dishNET Wireline L.L.C.; Jason Sutton, Boyce, Greenfield, Pashby & Welk, LLP, representing Montana-Dakota Utilities Co. and Otter Tail Power Company; Scott Bohler, Frontier Communications Corporation, representing Citizens Telecommunications Company of Minnesota, LLC; Matt Eldridge, Oahe Electric Cooperative, Inc.; Ted Smith, Sioux Valley Energy Electric Cooperative; Mark Suto, Toly Digital Networks, Inc.; Bob Johnson, Codington-Clark Electric Cooperative, Inc; Steve Reed and Kit Talich, West Central Electric Cooperative, Inc.; Terry Fasteen, KLJ Engineering, representing Montana-Dakota Utilities Co. and Otter Tail Power Company; Carey Roesel, Technologies Management, Inc., representing Sage Telecom Communications, LLC; Jim Wilcox and Eric Pauli, Northern States Power dba Xcel Energy; and Brad Morehouse

(NOTE: For the purpose of continuity, these minutes are not necessarily in chronological order.)

Administration

- 1. Approval of the minutes of the Commission meeting held on [July 22, 2014](#) (Staff: Joy Lashley)**

Commissioner Fiegen moved to approve the minutes of the Commission meetings held on [June 24](#) and [July 8, 2014](#). Motion carried 3-0.

Consumer Reports

- 1. Status Report on Consumer Utility Inquiries and Complaints Received by the Commission (Consumer Affairs: Deb Gregg)**

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The Commission received a total of 80 contacts since the last report was prepared for the July 22, 2014 Commission meeting. 9 of the contacts involved telecommunication services, 23 of the contacts involved electrical services, 8 of the contacts involved natural gas service, 2 contacts involved cell phone service, 22 contacts were related to the Do Not Call Registry, 2 contacts were related to the Keystone XL pipeline and 14 contacts were related to issues not regulated by the PUC.

1,119 of the 1,148 complaints received in 2014 have been resolved.

Electric

1. EL13-028 In the Matter of the Application of Montana-Dakota Utilities Co. and Otter Tail Power Company for a Permit to Construct the Big Stone South to Ellendale 345 kV Transmission Line (Staff Analysts: Brian Rounds, Darren Kearney; Staff Attorney: Karen Cremer)

A lengthy discussion took place regarding docket EL13-028. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2014, August 6, 2014, recording located at: <http://puc.sd.gov/commission/media/2014/puc08062014.mp3>

Acting in the capacity of hearing examiner, Chairman Hanson admitted Exhibits 26, 26A, and 301A into evidence after all parties stated they had no objection to such admission.

Docket deferred until August 13, 2014.

- 2. EL14-035 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between West Central Electric Cooperative, Inc. and Oahe Electric Cooperative, Inc. (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)**
- 3. EL14-046 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Dakota Energy Cooperative, Inc. and Codington-Clark Electric Cooperative, Inc. (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)**
- 4. EL14-060 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Arlington Municipal Electric and Kingsbury Electric Cooperative, Inc. (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)**
- 5. EL14-063 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Arlington Municipal Electric and Sioux Valley Energy (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)**

Mr. David Henry, staff analyst, recommended that the Commission approve the proposed electric service territory boundary agreements in dockets EL14-035, EL14-046, EL14-060, and EL14-063.

In Dockets EL14-035, EL14-046, EL14-060, and EL14-063, Commissioner Fiegen moved to approve the proposed electric service territory boundary agreements. Motion carried 3-0.

6. EL14-064 In the Matter of the Filing by NorthWestern Corporation dba NorthWestern Energy for Approval of a Contract with Deviations (Staff Analyst: Joseph Rezac; Staff Attorney: Karen Cremer)

Mr. Patrick Steffensen, staff analyst, filling in for Mr. Joseph Rezac, recommended that the Commission grant NorthWestern Corporation, dba NorthWestern Energy's request for approval of the contract with deviations on less than 30 days' notice with an August 6th, 2014, effective date.

Commissioner Nelson moved to approve the Contract with Deviations on less than 30 days' notice, with an August 6th, 2014, effective date. Motion carried 3-0.

Telecommunications**1. TC14-027 In the Matter of the Request of Citizens Telecommunications Company of Minnesota, LLC for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Robin Meyerink; Staff Attorney: Kristen Edwards)**

Mr. Scott Bohler, Frontier Communications Corporation, representing Citizens Telecommunications Company of Minnesota, LLC (Citizens), asked that the Commission grant a waiver and certification. Ms. Robin Meyerink, staff analyst, recommended that the Commission grant a waiver for one year to Citizens and to certify Citizens.

Commissioner Fiegen moved to grant a one year waiver and provide certification to the Federal Communications Commission and to the Universal Service Administration Company regarding the use of Federal Universal Service Support. Motion carried 3-0.

2. TC14-028 In the Matter of the Filing by dishNET Wireline L.L.C. for Approval of Revisions to its Access Services Tariff No. 2 (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

Mr. Andrew Isar, Miller Isar, Inc., representing dishNET Wireline L.L.C., (dishNET), asked that the Commission grant approval to dishNET's revisions to its access services tariff No. 2. Mr. Isar also requested an effective date of July 1, 2014. Mr. Eric Paulson, staff analyst, recommended that the Commission grant approval to dishNET's request.

Commissioner Nelson moved to approve dishNET Wireline L.L.C.'s revisions to its Access Services Tariff No. 2. Motion carried 3-0.

3. TC14-029 In the Matter of the Application of Toly Digital Networks, Inc. for a Certificate of Authority to Provide Interexchange Long Distance Services in South Dakota Support (Staff Analyst: Robin Meyerink; Staff Attorney: Kristen Edwards)

Mr. Mark Suto, Toly Digital Networks, Inc. (Toly), asked that the Commission grant approval for a certificate of authority to provide interexchange services within the State of South Dakota and grant the requested waiver in ARSD Section 20:10:24:02(9). Ms. Robin Meyerink, staff analyst, recommended that the Commission grant a certificate of authority to provide local exchange services, subject to the condition that Toly not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments, for retail purposes, without prior approval of the Commission. Ms. Meyerink also recommended that the Commission grant the requested waiver.

Commissioner Fiegen moved to grant the request for a certificate of authority to provide interexchange services within the State of South Dakota and grant the requested waiver. Motion carried 3-0.

4. In the Matter of Request for Certification Regarding the Use of Federal Universal Service Support in Dockets TC14-040, TC14-043, TC14-044, TC14-047, TC14-048, TC14-051 and TC14-057.**TC14-040 In the Matter of the Request of Northern Valley Communications, L.L.C. for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Robin Meyerink; Staff Attorney: Karen Cremer)**

Mr. Jim Cremer, Bantz Gosch & Cremer LLC, representing Northern Valley Communications, L.L.C. (NVC), asked that the Commission grant approval to NVC's request. Ms. Robin Meyerink, staff analyst, recommended that the Commission grant approval to NVC's request.

TC14-043 In the Matter of the Request of James Valley Wireless, LLC for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Robin Meyerink; Staff

Attorney: Karen Cremer)

Mr. Jim Cremer, Bantz Gosch & Cremer LLC, representing James Valley Wireless, LLC (James Valley Wireless), asked that the Commission grant approval to James Valley Wireless's request. Ms. Robin Meyerink, staff analyst, recommended that the Commission grant approval to James Valley Wireless's request.

TC14-044 In the Matter of the Request of Alliance Communications Cooperative, Inc. for Certification Regarding Its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Karen Cremer)

Mr. Ryan Taylor, Cutler & Donahoe LLP, representing Alliance Communications Cooperative Inc. (Alliance Communications), asked that the Commission grant approval to Alliance Communication's request. Mr. Eric Paulson, staff analyst, recommended that the Commission grant approval to Alliance Communication's request.

TC14-047 In the Matter of the Request of James Valley Cooperative Telephone Company for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Robin Meyerink; Staff Attorney: Karen Cremer)

Mr. Jim Cremer, Bantz Gosch & Cremer LLC, representing James Valley Cooperative Telephone Company (James Valley Cooperative), asked that the Commission grant approval to James Valley Cooperative's request. Ms. Robin Meyerink, staff analyst, recommended that the Commission grant approval to James Valley Cooperative's request.

TC14-048 In the Matter of the Request of Cheyenne River Sioux Tribe Telephone Authority for Certification Regarding Its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Karen Cremer)

Ms. Darla Rogers, Riter, Rogers, Wattier & Northrup, LLP, representing Cheyenne River Sioux Tribe Telephone Authority (CRST Telephone Authority), asked that the Commission grant approval to CRST Telephone Authority's request. Mr. Eric Paulson, staff analyst, recommended that the Commission grant approval to CRST Telephone Authority's request.

TC14-051 In the Matter of the Request of Golden West Telecommunications Cooperative, Inc., Study Area Codes: 391640, 391659, 391667, 391677, 391684 and 391686 for Certification Regarding Its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

Ms. Darla Rogers, Riter, Rogers, Wattier & Northrup, LLP, representing Golden West Telecommunications Cooperative, Inc. (Golden West), asked that the Commission grant certification to Golden West in each of the study areas. Mr. Eric Paulson, staff analyst, recommended that the Commission grant approval to Golden West's request.

TC14-057 In the Matter of the Request of Fort Randall Telephone Company for Certification Regarding Its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

Mr. Eric Paulson, staff analyst, recommended that the Commission grant approval to Fort Randall Telephone Company's request.

In Dockets TC14-040, TC14-043, TC14-044, TC14-047, TC14-048, TC14-051 and TC14-057, Commissioner Nelson moved to provide a certification to the Federal Communications Commission and to the Universal Service Administration Company regarding the use of Federal Universal Service Support in each of the above dockets. Motion carried 3-0.

5. TC14-052 In the Matter of the Filing by Sprint Communications Company L.P. for Approval of its Access Services Tariff No. 3 (Staff Analyst: Robin Meyerink; Staff Attorney:

Karen Cremer)

Ms. Robin Meyerink, staff analyst, recommended that the Commission grant Sprint Communications Company L.P.'s (Sprint) request for tariff revisions with an effective date of July 31, 2014.

Commissioner Hanson moved to approve the requested tariff revisions. Motion carried 3-0.

6. TC14-070 In the Matter of the Filing by Sage Telecom Communications, LLC for Approval of Revisions to its Tariff No. 1 (Staff Analyst: Eric Paulson; Staff Attorney: Karen Cremer)

Mr. Carey Roesel, Technologies Management, Inc., representing Sage Telecom Communications, LLC (Sage), asked that the Commission approve Sage's tariff revisions. Mr. Eric Paulson, staff analyst, recommended that the Commission grant Sage's request with an effective date of July 31, 2014.

Commissioner Fiegen moved to approve Sage Telecom Communications, LLC's revisions to its Access Services Tariff No. 1. Motion carried 3-0.

7. TC14-074 In the Matter of the Filing by dishNET Wireline L.L.C. for Approval of Revisions to its Access Services Tariff No. 2 (Staff Analyst: Eric Paulson; Staff Attorney: Karen Cremer)

Mr. Andrew Isar, Miller Isar, Inc., representing dishNET Wireline L.L.C. (dishNET), asked that the Commission approve dishNET's tariff revisions effective July 16, 2014. Mr. Eric Paulson, staff analyst, recommended that the Commission approve dishNET's request.

Commissioner Nelson moved to approve dishNET Wireline L.L.C.'s revisions to its Access Services Tariff No. 2, effective July 16, 2014. Motion carried 3-0.

**ADDENDUM TO THE
AGENDA OF COMMISSION MEETING**

Electric

1. EL14-071 In the Matter of the Application of Northern States Power Company dba Xcel Energy for Approval of a Temporary Service Territory Exception Agreement with Sioux Valley Energy Electric Cooperative (Staff Analyst: Darren Kearney; Consumer Affairs Director: Deb Gregg; Staff Attorney: Kristen Edwards)

A lengthy discussion took place regarding docket EL14-071. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2014, August 6, 2014, recording located at: <http://puc.sd.gov/commission/media/2014/puc08062014.mp3>.

Commissioner Nelson moved to approve the requested temporary electric service rights exception. Motion carried 3-0.

There being no further business, at the hour of 4:05 p.m. the South Dakota Public Utilities Commission meeting adjourned.

/S/Joy Lashley

Joy Lashley

Administrative Assistant

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August 6, 2014

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