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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION OF
BLACK HILLS POWER, INC. FOR AUTHORITY
TO INCREASE ITS ELECTRIC RATES

EL14-026

=====

Transcript of Recorded Proceedings
June 24, 2014

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BEFORE THE PUBLIC UTILITIES COMMISSION,
GARY HANSON, CHAIRMAN
CHRIS NELSON, VICE CHAIRMAN
KRISTIE FIEGEN, COMMISSIONER

ORIGINAL

Reported By Cheri McComsey Wittler, RPR, CRR

1 TRANSCRIPT OF RECORDED PROCEEDINGS, held in the
2 above-entitled matter, at the South Dakota State Capitol
3 Building, 500 East Capitol Avenue, Pierre, South Dakota,
4 on the 24th day of June, 2014.

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1 CHAIRMAN HANSON: EL14-026, In the Matter of the
2 Application of Black Hills Power, Incorporated for
3 Authority to Increase its Electric Rates.

4 And we will move -- we have Industrial
5 Intervenors. And the question before the Commission is
6 shall the Commission grant intervention to any parties
7 that may have filed?

8 We will first turn to Industrial Intervenors.
9 Are they represented?

10 Mr. Moratzka.

11 MR. MORATZKA: Yes, Mr. Chair. If I may, I will
12 make a few brief remarks.

13 On June 6 we filed a Petition to Intervene on
14 behalf of an ad hoc association of industrial customers
15 of Black Hills Power, which is known as the Black Hills
16 Industrial Intervenors. That group is comprised of
17 GCC Dacotah Inc., Pete Lien & Sons, Rushmore Forest
18 Products, Spearfish Forest Products, Rapid City Regional
19 Hospital, Inc., and Wharf Resources.

20 Consistent with South Dakota Law, our Petition
21 was served upon all parties of the proceeding, and
22 consistent with South Dakota Law the Industrial
23 Intervenors' Petition to Intervene clearly and concisely
24 set forth the facts of the intervention, namely that the
25 rate increase will impact the members' business

1 operations and as large industrial customers, the Black
2 Hills Industrial Intervenors interests are unique and may
3 not be adequately represented by other Intervenors.

4 The Black Hills Industrial Intervenors have
5 intervened in every Black Hills Power rate case since at
6 least the 1990s and on June 18, 2014, Black Hills Power
7 filed a response stating that it has no objection to our
8 involvement in this case.

9 And given that we've complied with South Dakota
10 Law, we respectfully request that our intervention be
11 granted.

12 CHAIRMAN HANSON: Thank you. I'm going to take
13 the Intervenors one at a time.

14 Does Black Hills Power have any objection to the
15 Industrial Intervenors?

16 MR. MAGNUSON: Chairman Hanson, this is
17 Lee Magnuson on behalf of Black Hills Power, Inc.
18 Joining me on the phone is Amy Koenig, one of the
19 in-house counsel for Black Hills Corporation.

20 As Mr. Moratzka indicated, on June 18 of this
21 year Black Hills Power, Inc. did file its response to the
22 proposed intervention of Black Hills Industrial
23 Intervenors, and as set forth in that document we stated
24 that we have no objection to the Petition to Intervene
25 filed by Black Hills Industrial Intervenors and we

1 continue to maintain that position.

2 Thank you.

3 CHAIRMAN HANSON: Thank you, Mr. Magnuson.

4 Ms. Cremer? No comments?

5 Are there any questions by Commissioners? Is
6 there a motion? For the Industrial Intervenors --

7 COMMISSIONER NELSON: I will move in EL14-026
8 that intervention be granted to the Industrial
9 Intervenors.

10 CHAIRMAN HANSON: Discussion on that motion.
11 Hearing none, Commissioner Nelson.

12 COMMISSIONER NELSON: Aye.

13 CHAIRMAN HANSON: Commissioner Fiegen.

14 COMMISSIONER FIEGEN: Fiegen votes aye.

15 CHAIRMAN HANSON: Hanson votes aye.

16 The motion carries.

17 The second Intervenor is Dakota Rural Action.
18 Dakota Rural Action, are you represented?

19 MS. COLLIER: Yes. This is Caitlin Collier. I
20 filed a Notice of Appearance on behalf of Dakota Rural
21 Action. I am a licensed attorney in the State of South
22 Dakota.

23 CHAIRMAN HANSON: Do you have anything else you
24 wish to add?

25 MS. COLLIER: Yes, Commissioner, I do.

1 We had filed a Motion to Intervene. There was
2 an objection filed by Black Hills Power, to which we have
3 responded. I would note particularly on the heels of the
4 Industrial Intervenors that one of the bases for Dakota
5 Rural Action's Motion to Intervene is the fact that it
6 has an office in Rapid City, that it pays rent which
7 includes utilities, and it is reasonable to assume that
8 its cost of doing business will be impacted by any rate
9 increase.

10 Further, as shown by the confidential filing,
11 there are a number of members of Dakota Rural Action who
12 reside in the Rapid City area who would be directly
13 affected. And as representatives of those members,
14 Dakota Rural Action has the right to represent them.

15 And I believe based upon the only other
16 Intervenor being an Industrial Intervenor, DRA would be
17 the only Intervenor representing its members and the
18 general public in terms of this rate increase
19 application.

20 CHAIRMAN HANSON: Thank you. Is that your
21 presentation?

22 MS. COLLIER: Yes, sir. That, and what was
23 respectfully already submitted in writing.

24 CHAIRMAN HANSON: Right. I just didn't want to
25 interrupt you unless you had something else orally to say

1 at this juncture.

2 Thank you. I would just point out that the
3 Public Utilities Commission is a somewhat trifurcated
4 agency, and that we do have a complete set of analysts
5 and attorneys who represent the citizens so they are
6 represented.

7 But that's the only correction I would make to
8 your remarks, that DRA is not the only folks who are
9 representing the citizens. The Commissioners are
10 representing the citizens as well.

11 Black Hills Power.

12 MR. MAGNUSON: Thank you, Chairman Hanson. This
13 is Lee Magnuson again. I'd like to go back and briefly
14 review what has transpired with regard to Dakota Rural
15 Action.

16 On June 6 of this year Dakota Rural Action filed
17 a Petition to Intervene. And a few days later on June 18
18 Black Hills Power objected to that intervention, for
19 several very significant reasons.

20 First and foremost, Dakota Rural Action filed,
21 and the person that signed off on that Petition to
22 Intervene was not a licensed South Dakota attorney as
23 required by law.

24 Second, we did not believe that they had clearly
25 and concisely set out the facts supporting the reason or

1 their alleged interest in the proceeding. In that
2 original Petition to Intervene they also failed to
3 demonstrate that Dakota Rural Action itself is or was a
4 customer of Black Hills Power, Inc. And in addition to
5 that, they did not use their appropriate legal name. It
6 was only referred to as Dakota Rural Action.

7 We did not know until later that it was actually
8 Dakota Rural Action Inc., a South Dakota nonprofit
9 entity.

10 In addition to that, the original Petition set
11 forth rather broad statements as to their interest for
12 intervening that appeared to me to be inconsistent with
13 the rate case. And so we did object on June 18, and that
14 objection is on file.

15 In response to our objection, Dakota Rural
16 Action filed its response to our objection. And I would
17 just like to note a few things with regard to that
18 response.

19 First they did acknowledge that their correct
20 legal name is Dakota Rural Action Incorporated --
21 actually I think it's Inc. Second, they have indicated
22 that they maintain an office in Rapid City, South Dakota.
23 But if you read their Petition closely, their allegation
24 in No. 3, they are not a customer of Black Hills Power.
25 So I think that should be clear. They're just saying,

1 well, we assume our rent will go up if our electricity
2 goes up. But clearly they are not a customer of Black
3 Hills Power.

4 Next they indicate that they have submitted
5 evidence showing their members' direct interest. Well,
6 basically what they did was they filed a list of their
7 members that apparently live in the Black Hills and must
8 have taken the approach that, okay, here, Black Hills
9 Power, you look at them and see if those are any of your
10 customers.

11 But certainly there has been no demonstration
12 that the people that are members of Dakota Rural Action
13 Inc. are customers of Black Hills Power.

14 In addition to that, I would like to
15 specifically address their No. 6. They indicate that
16 Black Hills Power, Inc. has unfairly and irrationally
17 held Dakota Rural Action to a different standard than
18 that of the other Industrial Intervenors.

19 And I would suggest that that's first offensive
20 to both myself and to Black Hills Power in that I've
21 clearly demonstrated why their original Petition was
22 clearly deficient. And I think it represents an attitude
23 that they want to take this case well beyond making it a
24 rate case.

25 I would state for the record that we have not

1 treated them unfairly or irrationally. What we're trying
2 to do is hold them to the standards of South Dakota
3 Statute and South Dakota Administrative Law.

4 So we would stand by our objection to the
5 Petition to Intervene of Dakota Rural Action. It appears
6 to us that they are attempting to represent the interest
7 that's typical of the public versus the specific interest
8 of customers. And it appears that they're trying to
9 broaden the issues, although I can't tell for sure, but
10 certainly if they broaden the issues, it may end up
11 costing the ratepayers more because it may add to the
12 cost of the rate case.

13 So with that being said, yes, we continue to
14 object to the Petition to Intervene of Dakota Rural
15 Action.

16 What I would say is as set forth in our
17 objection to the intervention Petition of Dakota Rural
18 Action, we would propose that they not be afforded the
19 status of a party to the proceedings but only be allowed
20 to appear at the rate change hearing as a commenter and
21 that is, of course, provided that they comply with the
22 requirements of SDCL 49-34A-13.1.

23 I would note, and Chairman Hanson you mentioned
24 this earlier, we believe that the citizens are
25 represented in the filing that's been made by Black Hills

1 Power because, frankly, Staff takes care of the
2 residential customers. They're looking out for the
3 interest of all customers of Black Hills Power but I
4 would say specifically are looking out for the interest
5 of the residential.

6 With all of that being said, Chairman Hanson,
7 Commissioner Nelson, and Commissioner Fiegen, if, in
8 fact, the Commission decides that they are going to allow
9 Dakota Rural Action to intervene, I would then propose
10 that it be as a limited intervention and specifically
11 that they would be limited to the raising as issues the
12 proposed changes in the tariff filing and matters related
13 to the application. And that it be a limited
14 intervention based on that basis.

15 I would also add, Commissioners, that I would
16 like to make special note of the need that this is an
17 administrative proceeding and that the Rules of Civil
18 Procedure and the Rules of Evidence would need to be
19 followed. For example, if there is going to be a person
20 that is giving opinion evidence, that person would have
21 to be an expert witness.

22 Beyond that, also there is the need to comply
23 with the Rules of Civil Procedure. And already Dakota
24 Rural Action has done a couple of things that are not
25 consistent with the Rules of Civil Procedure.

1 First, Sabrina King filed the Petition to
2 Intervene, and she is not a licensed attorney. Second,
3 under the South Dakota Rules of Civil Procedure I believe
4 it's under 15-6-5B that attorneys are to sign the
5 Certificate of Service, and just recently, I believe just
6 a day or two ago, Sabrina King signed the Certificate of
7 Service serving the confidential matter that has been
8 filed. So it appears that at this point already the
9 Rules of Civil Procedure have not been followed.

10 So with those comments, if -- and we would ask
11 that the Petition determine and deny the request to
12 intervene of Dakota Rural Action. And if they are going
13 to allow them to intervene, we would respectfully request
14 the alternative, that they not be afforded the status of
15 a party to the proceeding but be allowed only to appear
16 at the rate change hearing as a commenter.

17 And then finally if, in fact, this Commission is
18 going to allow them to intervene, that it be treated as a
19 limited intervention for the purposes of addressing the
20 proposed changes in the tariff filing and the matters in
21 the Application only.

22 That's all that I have at this time.

23 Thank you.

24 CHAIRMAN HANSON: Thank you, Mr. Magnuson.

25 Ms. Cremer.

1 MS. CREMER: Staff takes no position.

2 CHAIRMAN HANSON: Thank you. Questions by the
3 Commission.

4 I will start off because I would like to hear
5 what DRA has to say.

6 Ms. Collier, Mr. Magnuson makes some very good
7 points. We don't need to have inflammatory language used
8 just for the sake of attempting to influence either the
9 Commission or the public. The unfairly and irrationally
10 language, I don't see anything that they did that was
11 unfair or irrational.

12 They required you to follow the law, the
13 administrative laws and the laws of the statutes of the
14 State of South Dakota. What specifically is unfair or
15 irrational about that?

16 MS. COLLIER: Mr. Commissioner, as the
17 Commission can probably clearly see by the sequence of
18 events that was laid out by Mr. Magnuson, the Staff at
19 DRA following directives from its membership decided to
20 be involved in this rate change proposal.

21 And, unfortunately, even though I am a DRA
22 member, I was not aware that they were going to file
23 without an attorney. That was simply an error. It was
24 made in good faith. And because I was immediately
25 available to participate, I believe that we have

1 corrected that matter.

2 In response to more directly your question, the
3 concern that was expressed to me was that there were
4 Industrial Intervenors who had the same interests as the
5 DRA Rapid City office in terms of an increase in the cost
6 of doing business.

7 While I understood Mr. Magnuson's response that
8 DRA is not directly a Black Hills Corp customer, I
9 believe that it is reasonable to presume that -- and I
10 don't know for sure but certainly that there are other
11 industries, other businesses, in the Black Hills Power
12 area that also rent property which -- in which the rent
13 incorporates utility costs and that it is not
14 unreasonable to presume that their rent and, therefore,
15 the cost of doing business would go up.

16 So, specifically, the language that you're
17 talking about was to that particular purpose. And I
18 believe that that's clear in the response, that it was to
19 that particular point that the interests of the
20 Industrial Intervenors has to do with their cost of doing
21 business and that that is also one of the primary reasons
22 for requests to intervene by DRA.

23 CHAIRMAN HANSON: You didn't answer my question.

24 And you also stated that your office has the
25 same interest as other businesses in the area, but

1 clearly they do not have the same interest if they're not
2 a customer of Black Hills Power.

3 You understand Mr. Magnuson's point when you
4 state that you're working to try to decrease the cost but
5 yet DRA's intervention will increase the cost of the
6 proceedings. The proceedings are paid for by Black
7 Hills Power, and, therefore, it increases the cost to
8 their customers. So the same argument can be used by
9 Mr. Magnuson on the reverse on DRA's participation.

10 Again, apparently you can't support the unfairly
11 or irrationally inflammatory language that you used.
12 Clearly after going through the process of the filing
13 where Ms. King did the filing and then you apparently in
14 your response attempted to correct the shortcomings and
15 yet Sabrina King filed a Certificate of Service
16 subsequent to the process, do you folks now understand
17 that we must follow the law here and you must also and
18 that we're going to require that all filings --
19 everything that is done on legal matters must be done by
20 an attorney? I mean, that's the law. And specifically
21 Ms. King can get into a problem here if she continues to
22 make legal filings and represent herself as an attorney.

23 MS. COLLIER: Mr. Commissioner, I believe that
24 she does understand clearly. I had asked her to send me
25 the confidential filing, and I had intended to file it.

1 I believe it was just a miscommunication. She apparently
2 had taken care of that before I had the chance.

3 I also was under the understanding -- and this
4 may have been a mistake on my part -- that the
5 confidential filing had been referenced in the original
6 Petition to Intervene as an attachment and that somehow
7 that attachment had not been filed. So I think there was
8 probably just a misunderstanding.

9 I've been a practicing attorney for over
10 26 years. I've appeared before the PUC previously. I do
11 understand the Rules of Civil Procedure and
12 Administrative Rules, and I can assure you that if we are
13 allowed to intervene, we will proceed in compliance with
14 all of the laws, statutory or by Administrative Rule.
15 And I can assure you that there won't be any problems in
16 the future in regard to that.

17 CHAIRMAN HANSON: Can you tell me specifically
18 if any -- specifically state which members of DRA are, in
19 fact, Black Hills Power customers?

20 Do you have any you can specifically point to?

21 MS. COLLIER: Yes. The difficulty -- if you
22 will give me just a second, I am in front of my computer.
23 And --

24 CHAIRMAN HANSON: Perhaps Ms. King can help you.
25 Because this is one of the objections by Black Hills

1 Power, I would certainly expect that you'd be prepared
2 for that question.

3 MS. COLLIER: Well, I am prepared. I just have
4 to find that particular document. If you'll just give me
5 a second, I should be able to do that.

6 All right. The following members of the Black
7 Hills Chapter of Dakota Rural Action -- actually all of
8 the people who are listed on that confidential filing
9 reside in the Black Hills area that is served by Black
10 Hills Power.

11 And to the best of my knowledge, for example,
12 the first two names that are listed, Steve Hammond who
13 lives on Skyline Drive and Julie Burke who lives on
14 Pine Cone Circle, are customers of Black Hills Electric.
15 I believe that there are several other people
16 specifically in Rapid City as well as surrounding
17 communities that are customers of Black Hills Power.

18 CHAIRMAN HANSON: Will you provide that to us,
19 please.

20 I will turn to Commissioner Nelson for
21 questions.

22 COMMISSIONER NELSON: Thank you.

23 I'm trying to resolve discrepancies between the
24 initial Petition to Intervene and the second Petition.
25 And I understand they were done by two separate people,

1 but it's from the same organization so we've got to
2 resolve the discrepancies.

3 The first Petition, line 2, says that Dakota
4 Rural Action through their Black Hills Chapter represents
5 hundreds of Black Hills residents.

6 The confidential filing with the second Petition
7 I only counted 155, and that includes dead people. And
8 so I'm wondering is it hundreds, or is it 155 or
9 something less than that?

10 MS. COLLIER: Well, I would say going from the
11 idea of general to specific, 155 is more than 100. And
12 it looked to me like the list there is a more specific
13 statement of members. Obviously I can see that there's
14 at least one member who has an address in Indiana, and so
15 I don't even know if they have property there.

16 As to whether there are people who are dead, I'm
17 not aware. I have not gone through the list as I see it
18 before me and as it was filed. I don't know if any of
19 those people are dead or not.

20 And perhaps the Commissioner has information
21 that I don't have.

22 MS. KING: This is Sabrina, if I can respond to
23 that as well.

24 COMMISSIONER NELSON: Certainly.

25 MS. KING: So our membership list is what you

1 have in front of you. Quite often those memberships
2 include households. We include family members, which is
3 where you get the hundreds. Those memberships would
4 include households and members of those households that
5 would take that number well over 200.

6 And to address the (Inaudible) potentially means
7 that people are dead, we have memberships that are
8 renewed on an annual basis. And we do not count members
9 who have not paid within the last year. So if someone is
10 on that list who is deceased, you also
11 have (Inaudible) and that list --

12 CHAIRMAN HANSON: Are you on a -- Ms. King, are
13 you on a cellphone?

14 MS. KING: I am, yes.

15 CHAIRMAN HANSON: You're breaking up quite a bit
16 here.

17 Is it possible for you to either get to a
18 landline or to speak a little slower as you're speaking
19 so you don't break up so much?

20 I believe we did get sufficient information from
21 you as you were speaking, though.

22 Commissioner Nelson.

23 COMMISSIONER NELSON: Yeah. Let me go on to the
24 other question that I've got, and this would be for
25 Ms. Collier.

1 You indicated earlier today that you were
2 familiar with Administrative Rules. And so I'd like
3 specifically to look at ARSD 20:10:01:15.05 and the
4 requirement that an Intervenor have an interest peculiar
5 to the Petitioner as distinguished from the interests
6 common to the public or to the taxpayers at general.

7 And what I've heard from you thus far is -- and
8 I think you've said you're here to represent residential
9 customers. That doesn't seem to meet the ARSD
10 requirement that you have an interest peculiar from that
11 of the common interest. And so can you explain to me
12 what your peculiar interest is that would be different
13 from the common interest?

14 MS. COLLIER: The peculiar interest is the
15 interest of the members of Dakota Rural Action,
16 specifically those who are listed in the confidential
17 filing who have an interest in issues that affect both
18 urban and rural customers who are concerned about general
19 issues of electric transmission sources of electricity
20 and the electric industry in general and in particular in
21 rate increases and what they may be related to.

22 And, more specifically, the electric industry,
23 specifically Black Hills Power, derives its electricity
24 from various sources, and the rationale that is given for
25 a need for a rate increase is of interest to those

1 specific members of DRA because of their interest in
2 energy usage, consumption, and cost.

3 In other words, besides their specific interest
4 as customers, as any customer would be in a rate
5 increase, they also are a unique group of people who are
6 committed to certain educational as well as knowledge of
7 what is happening in the energy industry and, in
8 particular, in electricity and, in particular, in Black
9 Hills Power.

10 So you might consider them to be not just
11 consumers and citizens but specific citizens who have an
12 interest.

13 COMMISSIONER NELSON: No further questions.

14 CHAIRMAN HANSON: Commissioner Fiegen.

15 COMMISSIONER FIEGEN: I just have a clarifying
16 question.

17 So the confidential list that you sent us, you
18 cannot go line item by line item and tell us every one of
19 them are Black Hills Power customers? Or can you?

20 Can you tell us everyone that you gave us is a
21 Black Hills Power customer?

22 MS. COLLIER: I would have to defer to Ms. King,
23 as I have -- I represent DRA generally. I have not
24 spoken to each individual person who is listed on that.

25 COMMISSIONER FIEGEN: Thank you.

1 So do you know or not?

2 MS. COLLIER: Do I personally know?

3 COMMISSIONER FIEGEN: Does the Petitioners know?
4 So whoever wants to talk, I don't really care. I just
5 want to know if the list that you gave us is Black Hills
6 Power customers.

7 MS. KING: This is Sabrina. Those include
8 Black Hills Power customers. I would have to go back and
9 go item by item to identify the people within the
10 boundaries of Black Hills Power. I attempted to pull off
11 of the boundaries, was not able to do so so as of right
12 now --

13 COMMISSIONER FIEGEN: Thank you, Ms. King.
14 Appreciate it. Thank you.

15 CHAIRMAN HANSON: Any further questions by the
16 Commissioners?

17 Is there a motion?

18 I have to admit I'm wrestling with this still.
19 I think they can probably show -- probably being that
20 they can probably show that someone is a member. The
21 filings that -- and the accuracy and the not following
22 the Rules of Evidence or Civil Procedure and then
23 subsequently after being told to follow it not following
24 it again, and then the exaggerations and inflammatory
25 language on their filings all concern me greatly.

1 I think if everything was filed properly, they
2 could probably show that at least some member has an
3 interest to it, but if I'm to support this, they need to
4 follow procedures from here on out or else we're going to
5 have to take corrective action with them.

6 Those are my comments prior to any motion. Any
7 further concern or discussion?

8 COMMISSIONER FIEGEN: Mr. Chairman, I think
9 today the evidence is not clear, and personally I cannot
10 make a decision today or I will deny -- if I do need to
11 make a decision today, I will deny intervention today.

12 CHAIRMAN HANSON: Further discussion?

13 I think that's a very good point. And from my
14 standpoint, I probably should have taken that position as
15 opposed to saying they probably can show.

16 I think you make a very good point. Anyone
17 who's to intervene needs to clearly show as opposed to
18 probably.

19 Thank you, Ms. Fiegen.

20 Commissioner Nelson.

21 COMMISSIONER NELSON: Well, let me just ask for
22 the purposes of trying to move this along, are you
23 looking, Commissioner Fiegen, for additional filings in
24 this matter?

25 COMMISSIONER FIEGEN: The one item I'm looking

1 for is evidence of Black Hills Power customers and that
2 they are clearly a Black Hills Power customer and which
3 members are.

4 CHAIRMAN HANSON: Anything further, Commissioner
5 Nelson?

6 COMMISSIONER NELSON: Let me try a motion, and
7 we'll see. I just -- I want to try to move this along.

8 I am going to move to grant intervention to
9 Dakota Rural Action in the limited manner that
10 Mr. Magnuson outlined. And that would be limited only to
11 the issues that are raised by the application by
12 Black Hills Power.

13 CHAIRMAN HANSON: I could support that
14 subsequent to them -- not subsequent to but provided that
15 Black Hills Power shows -- excuse me. That DRA shows
16 that they actually do have members who are Black Hills
17 Power customers. Provided for that, I could support the
18 motion.

19 COMMISSIONER NELSON: Yeah. I guess we can do
20 whatever you want to do, Mr. Chairman. If you'd like to
21 defer it for two weeks.

22 CHAIRMAN HANSON: I can support the motion, but
23 as a friendly amendment to that motion if you could add
24 to it that provided that Black Hills Power --

25 COMMISSIONER NELSON: File an Affidavit showing

1 which of their members are Black Hills Power customers.

2 CHAIRMAN HANSON: Correct.

3 COMMISSIONER NELSON: I would add that and
4 consider that a friendly amendment. So it would be a
5 provisional granting of intervention based upon that -- a
6 filing of an Affidavit with that information.

7 CHAIRMAN HANSON: Correct.

8 COMMISSIONER NELSON: If I might discuss.

9 CHAIRMAN HANSON: Yes, please.

10 COMMISSIONER NELSON: I would echo the
11 Chairman's comments. I'm greatly concerned about the
12 filings we've gotten thus far, some of the discrepancies
13 and lack of information. But, like the Chairman, I think
14 Dakota Rural Action has probably met the burden for
15 intervention. And we certainly don't want to deny
16 anybody who is in that situation.

17 But by the same token, I think limiting
18 intervention to those issues that are involved in the
19 rate case and not allowing this to become something
20 bigger and broader than the rate case is not about is
21 appropriate and, hence, the parameters of my motion,
22 Mr. Chairman.

23 CHAIRMAN HANSON: Thank you.

24 Any further discussion on the motion?

25 Hearing none, Commissioner Nelson.

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COMMISSIONER NELSON: Aye.
CHAIRMAN HANSON: Commissioner Fiegen.
COMMISSIONER FIEGEN: Fiegen votes aye.
CHAIRMAN HANSON: Hanson votes aye.
The motion carries.

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STATE OF SOUTH DAKOTA)

:SS


CERTIFICATE

COUNTY OF HUGHES)

I, CHERI MCCOMSEY WITTLER, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public in and for the State of South Dakota:

DO HEREBY CERTIFY that as the duly-appointed shorthand reporter, I transcribed the electronic recording of the foregoing proceedings.

Dated at Pierre, South Dakota this 10th day of September, 2015.



Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter
Certified Realtime Reporter

<p style="text-align: center;">1</p> <p>100 [1] - 18:11 10th [1] - 27:11 15-6-5B [1] - 12:4 155 [3] - 18:7, 18:8, 18:11 18 [4] - 4:6, 4:20, 7:17, 8:13 1990s [1] - 4:6</p>	<p>12:12, 17:7, 18:4, 20:15, 24:9, 25:14 action [1] - 23:5 Action's [1] - 6:5 ad [1] - 3:14 add [5] - 5:24, 10:11, 11:15, 24:23, 25:3 addition [3] - 8:4, 8:10, 9:14 additional [1] - 23:23 address [3] - 9:15, 18:14, 19:6 addressing [1] - 12:19 adequately [1] - 4:3 Administrative [3] - 16:12, 16:14, 20:2 administrative [3] - 10:3, 11:17, 13:13 admit [1] - 22:18 affect [1] - 20:17 affected [1] - 6:13 Affidavit [2] - 24:25, 25:6 afforded [2] - 10:18, 12:14 agency [1] - 7:4 ago [1] - 12:6 allegation [1] - 8:23 alleged [1] - 8:1 allow [3] - 11:8, 12:13, 12:18 allowed [3] - 10:19, 12:15, 16:13 allowing [1] - 25:19 alternative [1] - 12:14 amendment [2] - 24:23, 25:4 Amy [1] - 4:18 analysts [1] - 7:4 annual [1] - 19:8 answer [1] - 14:23 appear [2] - 10:20, 12:15 Appearance [1] - 5:20 appeared [2] - 8:12, 16:10</p>	<p>ARSD [2] - 20:3, 20:9 association [1] - 3:14 assume [2] - 6:7, 9:1 assure [2] - 16:12, 16:15 attachment [2] - 16:6, 16:7 attempted [2] - 15:14, 22:10 attempting [2] - 10:6, 13:8 attitude [1] - 9:22 attorney [7] - 5:21, 7:22, 12:2, 13:23, 15:20, 15:22, 16:9 attorneys [2] - 7:5, 12:4 AUTHORITY [1] - 1:4 authority [1] - 3:3 available [1] - 13:25 Avenue [1] - 2:3 aware [2] - 13:22, 18:17 aye [6] - 5:12, 5:14, 5:15, 26:1, 26:3, 26:4</p>	<p>24:16, 24:24, 25:1 boundaries [2] - 22:10, 22:11 break [1] - 19:19 breaking [1] - 19:15 brief [1] - 3:12 briefly [1] - 7:13 broad [1] - 8:11 broaden [2] - 10:9, 10:10 broader [1] - 25:20 Building [1] - 2:3 burden [1] - 25:14 Burke [1] - 17:13 business [5] - 3:25, 6:8, 14:6, 14:15, 14:21 businesses [2] - 14:11, 14:25</p>	<p>26:2, 26:4 chairman's [1] - 26:11 chance [1] - 16:2 change [3] - 10:20, 12:16, 13:20 changes [2] - 11:12, 12:20 chapter [2] - 17:7, 18:4 Cheri [2] - 1:20, 27:17 CHERI [1] - 27:5 CHRIS [1] - 1:10 circle [1] - 17:14 citizens [8] - 7:5, 7:9, 7:10, 10:24, 21:11 City [6] - 3:18, 6:6, 6:12, 8:22, 14:5, 17:16 civil [1] - 22:22 Civil [8] - 11:17, 11:23, 11:25, 12:3, 12:9, 16:11 clarifying [1] - 21:15 clear [3] - 8:25, 14:18, 23:9 clearly [11] - 3:23, 7:24, 9:2, 9:21, 9:22, 13:17, 15:1, 15:12, 15:24, 23:17, 24:2 closely [1] - 8:23 COLLIER [11] - 5:19, 5:25, 6:22, 13:16, 15:23, 16:21, 17:3, 18:10, 20:14, 21:22, 22:2 Collier [3] - 5:19, 13:6, 19:25 commenter [2] - 10:20, 12:16 comments [4] - 5:4, 12:10, 23:6, 25:11 COMMISSION [2] - 1:1, 1:9 Commission [8] - 3:5, 3:6, 7:3, 11:8, 12:17, 13:3, 13:9, 13:17 Commissioner [16] - 5:11, 5:13, 5:25, 11:7, 13:16, 15:23, 17:20, 18:20, 19:22, 21:14, 23:20, 23:23, 24:4, 25:25, 26:2 COMMISSIONER [23] - 1:11, 5:7, 5:12, 5:14, 17:22, 18:24, 19:23, 21:13, 21:15, 21:25, 22:3, 22:13, 23:8, 23:21, 23:25, 24:6, 24:19, 24:25, 25:3, 25:8, 25:10,</p>
<p style="text-align: center;">2</p> <p>2 [1] - 18:3 200 [1] - 19:5 2014 [3] - 1:7, 2:4, 4:6 2015 [1] - 27:12 20:10:01:15.05 [1] - 20:3 24 [1] - 1:7 24th [1] - 2:4 26 [1] - 16:10</p>	<p>agencies [1] - 7:4 ago [1] - 12:6 allegation [1] - 8:23 alleged [1] - 8:1 allow [3] - 11:8, 12:13, 12:18 allowed [3] - 10:19, 12:15, 16:13 allowing [1] - 25:19 alternative [1] - 12:14 amendment [2] - 24:23, 25:4 Amy [1] - 4:18 analysts [1] - 7:4 annual [1] - 19:8 answer [1] - 14:23 appear [2] - 10:20, 12:15 Appearance [1] - 5:20 appeared [2] - 8:12, 16:10</p>	<p style="text-align: center;">B</p> <p>based [3] - 6:15, 11:14, 25:5 bases [1] - 6:4 basis [2] - 11:14, 19:8 become [1] - 25:19 BEFORE [1] - 1:9 behalf [3] - 3:14, 4:17, 5:20 best [1] - 17:11 between [1] - 17:23 beyond [2] - 9:23, 11:22 bigger [1] - 25:20 bit [1] - 19:15 BLACK [1] - 1:4 Black [53] - 3:2, 3:15, 4:1, 4:4, 4:5, 4:6, 4:14, 4:17, 4:19, 4:21, 4:22, 4:25, 6:2, 7:11, 7:18, 8:4, 8:24, 9:2, 9:7, 9:8, 9:13, 9:16, 9:20, 10:25, 11:3, 14:8, 14:11, 15:2, 15:6, 16:19, 16:25, 17:6, 17:9, 17:14, 17:17, 18:4, 18:5, 20:23, 21:8, 21:19, 21:21, 22:5, 22:8, 22:10, 24:1, 24:2, 24:12, 24:15,</p>	<p style="text-align: center;">C</p> <p>Caitlin [1] - 5:19 cannot [2] - 21:18, 23:9 Capitol [2] - 2:2, 2:3 care [3] - 11:1, 16:2, 22:4 carries [2] - 5:16, 26:5 case [8] - 4:5, 4:8, 8:13, 9:23, 9:24, 10:12, 25:19, 25:20 cellphone [1] - 19:13 certain [1] - 21:6 certainly [6] - 9:11, 10:10, 14:10, 17:1, 18:24, 25:15 Certificate [3] - 12:5, 12:6, 15:15 CERTIFICATE [1] - 27:2 Certified [2] - 27:6, 27:19 CERTIFY [1] - 27:8 chair [1] - 3:11 Chairman [8] - 4:16, 7:12, 10:23, 11:6, 23:8, 24:20, 25:13, 25:22 CHAIRMAN [31] - 1:10, 1:10, 3:1, 4:12, 5:3, 5:10, 5:13, 5:15, 5:23, 6:20, 6:24, 12:24, 13:2, 14:23, 16:17, 16:24, 17:18, 19:12, 19:15, 21:14, 22:15, 23:12, 24:4, 24:13, 24:22, 25:2, 25:7, 25:9, 25:23,</p>	<p>26:2, 26:4 chairman's [1] - 26:11 chance [1] - 16:2 change [3] - 10:20, 12:16, 13:20 changes [2] - 11:12, 12:20 chapter [2] - 17:7, 18:4 Cheri [2] - 1:20, 27:17 CHERI [1] - 27:5 CHRIS [1] - 1:10 circle [1] - 17:14 citizens [8] - 7:5, 7:9, 7:10, 10:24, 21:11 City [6] - 3:18, 6:6, 6:12, 8:22, 14:5, 17:16 civil [1] - 22:22 Civil [8] - 11:17, 11:23, 11:25, 12:3, 12:9, 16:11 clarifying [1] - 21:15 clear [3] - 8:25, 14:18, 23:9 clearly [11] - 3:23, 7:24, 9:2, 9:21, 9:22, 13:17, 15:1, 15:12, 15:24, 23:17, 24:2 closely [1] - 8:23 COLLIER [11] - 5:19, 5:25, 6:22, 13:16, 15:23, 16:21, 17:3, 18:10, 20:14, 21:22, 22:2 Collier [3] - 5:19, 13:6, 19:25 commenter [2] - 10:20, 12:16 comments [4] - 5:4, 12:10, 23:6, 25:11 COMMISSION [2] - 1:1, 1:9 Commission [8] - 3:5, 3:6, 7:3, 11:8, 12:17, 13:3, 13:9, 13:17 Commissioner [16] - 5:11, 5:13, 5:25, 11:7, 13:16, 15:23, 17:20, 18:20, 19:22, 21:14, 23:20, 23:23, 24:4, 25:25, 26:2 COMMISSIONER [23] - 1:11, 5:7, 5:12, 5:14, 17:22, 18:24, 19:23, 21:13, 21:15, 21:25, 22:3, 22:13, 23:8, 23:21, 23:25, 24:6, 24:19, 24:25, 25:3, 25:8, 25:10,</p>
<p style="text-align: center;">3</p> <p>3 [1] - 8:24</p>	<p>agencies [1] - 7:4 ago [1] - 12:6 allegation [1] - 8:23 alleged [1] - 8:1 allow [3] - 11:8, 12:13, 12:18 allowed [3] - 10:19, 12:15, 16:13 allowing [1] - 25:19 alternative [1] - 12:14 amendment [2] - 24:23, 25:4 Amy [1] - 4:18 analysts [1] - 7:4 annual [1] - 19:8 answer [1] - 14:23 appear [2] - 10:20, 12:15 Appearance [1] - 5:20 appeared [2] - 8:12, 16:10</p>	<p>4:1, 4:4, 4:5, 4:6, 4:14, 4:17, 4:19, 4:21, 4:22, 4:25, 6:2, 7:11, 7:18, 8:4, 8:24, 9:2, 9:7, 9:8, 9:13, 9:16, 9:20, 10:25, 11:3, 14:8, 14:11, 15:2, 15:6, 16:19, 16:25, 17:6, 17:9, 17:14, 17:17, 18:4, 18:5, 20:23, 21:8, 21:19, 21:21, 22:5, 22:8, 22:10, 24:1, 24:2, 24:12, 24:15,</p>	<p>24:16, 24:24, 25:1 boundaries [2] - 22:10, 22:11 break [1] - 19:19 breaking [1] - 19:15 brief [1] - 3:12 briefly [1] - 7:13 broad [1] - 8:11 broaden [2] - 10:9, 10:10 broader [1] - 25:20 Building [1] - 2:3 burden [1] - 25:14 Burke [1] - 17:13 business [5] - 3:25, 6:8, 14:6, 14:15, 14:21 businesses [2] - 14:11, 14:25</p>	<p>26:2, 26:4 chairman's [1] - 26:11 chance [1] - 16:2 change [3] - 10:20, 12:16, 13:20 changes [2] - 11:12, 12:20 chapter [2] - 17:7, 18:4 Cheri [2] - 1:20, 27:17 CHERI [1] - 27:5 CHRIS [1] - 1:10 circle [1] - 17:14 citizens [8] - 7:5, 7:9, 7:10, 10:24, 21:11 City [6] - 3:18, 6:6, 6:12, 8:22, 14:5, 17:16 civil [1] - 22:22 Civil [8] - 11:17, 11:23, 11:25, 12:3, 12:9, 16:11 clarifying [1] - 21:15 clear [3] - 8:25, 14:18, 23:9 clearly [11] - 3:23, 7:24, 9:2, 9:21, 9:22, 13:17, 15:1, 15:12, 15:24, 23:17, 24:2 closely [1] - 8:23 COLLIER [11] - 5:19, 5:25, 6:22, 13:16, 15:23, 16:21, 17:3, 18:10, 20:14, 21:22, 22:2 Collier [3] - 5:19, 13:6, 19:25 commenter [2] - 10:20, 12:16 comments [4] - 5:4, 12:10, 23:6, 25:11 COMMISSION [2] - 1:1, 1:9 Commission [8] - 3:5, 3:6, 7:3, 11:8, 12:17, 13:3, 13:9, 13:17 Commissioner [16] - 5:11, 5:13, 5:25, 11:7, 13:16, 15:23, 17:20, 18:20, 19:22, 21:14, 23:20, 23:23, 24:4, 25:25, 26:2 COMMISSIONER [23] - 1:11, 5:7, 5:12, 5:14, 17:22, 18:24, 19:23, 21:13, 21:15, 21:25, 22:3, 22:13, 23:8, 23:21, 23:25, 24:6, 24:19, 24:25, 25:3, 25:8, 25:10,</p>
<p style="text-align: center;">4</p> <p>49-34A-13.1 [1] - 10:22</p>	<p>agencies [1] - 7:4 ago [1] - 12:6 allegation [1] - 8:23 alleged [1] - 8:1 allow [3] - 11:8, 12:13, 12:18 allowed [3] - 10:19, 12:15, 16:13 allowing [1] - 25:19 alternative [1] - 12:14 amendment [2] - 24:23, 25:4 Amy [1] - 4:18 analysts [1] - 7:4 annual [1] - 19:8 answer [1] - 14:23 appear [2] - 10:20, 12:15 Appearance [1] - 5:20 appeared [2] - 8:12, 16:10</p>	<p>4:1, 4:4, 4:5, 4:6, 4:14, 4:17, 4:19, 4:21, 4:22, 4:25, 6:2, 7:11, 7:18, 8:4, 8:24, 9:2, 9:7, 9:8, 9:13, 9:16, 9:20, 10:25, 11:3, 14:8, 14:11, 15:2, 15:6, 16:19, 16:25, 17:6, 17:9, 17:14, 17:17, 18:4, 18:5, 20:23, 21:8, 21:19, 21:21, 22:5, 22:8, 22:10, 24:1, 24:2, 24:12, 24:15,</p>	<p>24:16, 24:24, 25:1 boundaries [2] - 22:10, 22:11 break [1] - 19:19 breaking [1] - 19:15 brief [1] - 3:12 briefly [1] - 7:13 broad [1] - 8:11 broaden [2] - 10:9, 10:10 broader [1] - 25:20 Building [1] - 2:3 burden [1] - 25:14 Burke [1] - 17:13 business [5] - 3:25, 6:8, 14:6, 14:15, 14:21 businesses [2] - 14:11, 14:25</p>	<p>26:2, 26:4 chairman's [1] - 26:11 chance [1] - 16:2 change [3] - 10:20, 12:16, 13:20 changes [2] - 11:12, 12:20 chapter [2] - 17:7, 18:4 Cheri [2] - 1:20, 27:17 CHERI [1] - 27:5 CHRIS [1] - 1:10 circle [1] - 17:14 citizens [8] - 7:5, 7:9, 7:10, 10:24, 21:11 City [6] - 3:18, 6:6, 6:12, 8:22, 14:5, 17:16 civil [1] - 22:22 Civil [8] - 11:17, 11:23, 11:25, 12:3, 12:9, 16:11 clarifying [1] - 21:15 clear [3] - 8:25, 14:18, 23:9 clearly [11] - 3:23, 7:24, 9:2, 9:21, 9:22, 13:17, 15:1, 15:12, 15:24, 23:17, 24:2 closely [1] - 8:23 COLLIER [11] - 5:19, 5:25, 6:22, 13:16, 15:23, 16:21, 17:3, 18:10, 20:14, 21:22, 22:2 Collier [3] - 5:19, 13:6, 19:25 commenter [2] - 10:20, 12:16 comments [4] - 5:4, 12:10, 23:6, 25:11 COMMISSION [2] - 1:1, 1:9 Commission [8] - 3:5, 3:6, 7:3, 11:8, 12:17, 13:3, 13:9, 13:17 Commissioner [16] - 5:11, 5:13, 5:25, 11:7, 13:16, 15:23, 17:20, 18:20, 19:22, 21:14, 23:20, 23:23, 24:4, 25:25, 26:2 COMMISSIONER [23] - 1:11, 5:7, 5:12, 5:14, 17:22, 18:24, 19:23, 21:13, 21:15, 21:25, 22:3, 22:13, 23:8, 23:21, 23:25, 24:6, 24:19, 24:25, 25:3, 25:8, 25:10,</p>
<p style="text-align: center;">A</p> <p>able [2] - 17:5, 22:11 above-entitled [1] - 2:2 accuracy [1] - 22:21 acknowledge [1] - 8:19 Action [26] - 5:17, 5:18, 5:21, 6:11, 6:14, 7:15, 7:16, 7:20, 8:3, 8:6, 8:8, 8:16, 8:20, 9:12, 9:17, 10:5, 10:15, 10:18, 11:9, 11:24,</p>	<p>agencies [1] - 7:4 ago [1] - 12:6 allegation [1] - 8:23 alleged [1] - 8:1 allow [3] - 11:8, 12:13, 12:18 allowed [3] - 10:19, 12:15, 16:13 allowing [1] - 25:19 alternative [1] - 12:14 amendment [2] - 24:23, 25:4 Amy [1] - 4:18 analysts [1] - 7:4 annual [1] - 19:8 answer [1] - 14:23 appear [2] - 10:20, 12:15 Appearance [1] - 5:20 appeared [2] - 8:12, 16:10 APPLICATION [1] - 1:4 application [5] - 3:2, 6:19, 11:13, 12:21, 24:11 appointed [1] - 27:8 appreciate [1] - 22:14 approach [1] - 9:8 appropriate [2] - 8:5, 25:21 area [4] - 6:12, 14:12, 14:25, 17:9 argument [1] - 15:8</p>	<p>4:1, 4:4, 4:5, 4:6, 4:14, 4:17, 4:19, 4:21, 4:22, 4:25, 6:2, 7:11, 7:18, 8:4, 8:24, 9:2, 9:7, 9:8, 9:13, 9:16, 9:20, 10:25, 11:3, 14:8, 14:11, 15:2, 15:6, 16:19, 16:25, 17:6, 17:9, 17:14, 17:17, 18:4, 18:5, 20:23, 21:8, 21:19, 21:21, 22:5, 22:8, 22:10, 24:1, 24:2, 24:12, 24:15,</p>	<p>24:16, 24:24, 25:1 boundaries [2] - 22:10, 22:11 break [1] - 19:19 breaking [1] - 19:15 brief [1] - 3:12 briefly [1] - 7:13 broad [1] - 8:11 broaden [2] - 10:9, 10:10 broader [1] - 25:20 Building [1] - 2:3 burden [1] - 25:14 Burke [1] - 17:13 business [5] - 3:25, 6:8, 14:6, 14:15, 14:21 businesses [2] - 14:11, 14:25</p>	<p>26:2, 26:4 chairman's [1] - 26:11 chance [1] - 16:2 change [3] - 10:20, 12:16, 13:20 changes [2] - 11:12, 12:20 chapter [2] - 17:7, 18:4 Cheri [2] - 1:20, 27:17 CHERI [1] - 27:5 CHRIS [1] - 1:10 circle [1] - 17:14 citizens [8] - 7:5, 7:9, 7:10, 10:24, 21:11 City [6] - 3:18, 6:6, 6:12, 8:22, 14:5, 17:16 civil [1] - 22:22 Civil [8] - 11:17, 11:23, 11:25, 12:3, 12:9, 16:11 clarifying [1] - 21:15 clear [3] - 8:25, 14:18, 23:9 clearly [11] - 3:23, 7:24, 9:2, 9:21, 9:22, 13:17, 15:1, 15:12, 15:24, 23:17, 24:2 closely [1] - 8:23 COLLIER [11] - 5:19, 5:25, 6:22, 13:16, 15:23, 16:21, 17:3, 18:10, 20:14, 21:22, 22:2 Collier [3] - 5:19, 13:6, 19:25 commenter [2] - 10:20, 12:16 comments [4] - 5:4, 12:10, 23:6, 25:11 COMMISSION [2] - 1:1, 1:9 Commission [8] - 3:5, 3:6, 7:3, 11:8, 12:17, 13:3, 13:9, 13:17 Commissioner [16] - 5:11, 5:13, 5:25, 11:7, 13:16, 15:23, 17:20, 18:20, 19:22, 21:14, 23:20, 23:23, 24:4, 25:25, 26:2 COMMISSIONER [23] - 1:11, 5:7, 5:12, 5:14, 17:22, 18:24, 19:23, 21:13, 21:15, 21:25, 22:3, 22:13, 23:8, 23:21, 23:25, 24:6, 24:19, 24:25, 25:3, 25:8, 25:10,</p>

26:1, 26:3
Commissioners [4] - 5:5, 7:9, 11:15, 22:16
committed [1] - 21:6
common [3] - 20:6, 20:11, 20:13
communities [1] - 17:17
complete [1] - 7:4
compliance [1] - 16:13
complied [1] - 4:9
comply [2] - 10:21, 11:22
comprised [1] - 3:16
computer [1] - 16:22
concern [3] - 14:3, 22:25, 23:7
concerned [2] - 20:18, 25:11
concisely [2] - 3:23, 7:25
cone [1] - 17:14
confidential [8] - 6:10, 12:7, 15:25, 16:5, 17:8, 18:6, 20:16, 21:17
consider [2] - 21:10, 25:4
consistent [3] - 3:20, 3:22, 11:25
consumers [1] - 21:11
consumption [1] - 21:2
continue [2] - 5:1, 10:13
continues [1] - 15:21
Corp [1] - 14:8
Corporation [1] - 4:19
correct [4] - 8:19, 15:14, 25:2, 25:7
corrected [1] - 14:1
correction [1] - 7:7
corrective [1] - 23:5
cost [9] - 6:8, 10:12, 14:5, 14:15, 14:20, 15:4, 15:5, 15:7, 21:2
costing [1] - 10:11
costs [1] - 14:13
counsel [1] - 4:19
count [1] - 19:8
counted [1] - 18:7
COUNTY [1] - 27:3
couple [1] - 11:24
course [1] - 10:21
Cremer [2] - 5:4, 12:25
CREMER [1] - 13:1
CRR [1] - 1:20

customer [8] - 8:4, 8:24, 9:2, 14:8, 15:2, 21:4, 21:21, 24:2
customers [20] - 3:14, 4:1, 9:10, 9:13, 10:8, 11:2, 11:3, 15:8, 16:19, 17:14, 17:17, 20:9, 20:18, 21:4, 21:19, 22:6, 22:8, 24:1, 24:17, 25:1

D

Dacotah [1] - 3:17
DAKOTA [2] - 1:2, 27:1
Dakota [42] - 2:2, 2:3, 3:20, 3:22, 4:9, 5:17, 5:18, 5:20, 5:22, 6:4, 6:11, 6:14, 7:14, 7:16, 7:20, 7:22, 8:3, 8:6, 8:8, 8:15, 8:20, 8:22, 9:12, 9:17, 10:2, 10:3, 10:5, 10:14, 10:17, 11:9, 11:23, 12:3, 12:12, 13:14, 17:7, 18:3, 20:15, 24:9, 25:14, 27:7, 27:11
Dated [1] - 27:11
days [1] - 7:17
dead [4] - 18:7, 18:16, 18:19, 19:7
deceased [1] - 19:10
decided [1] - 13:19
decides [1] - 11:8
decision [2] - 23:10, 23:11
decrease [1] - 15:4
defer [2] - 21:22, 24:21
deficient [1] - 9:22
demonstrate [1] - 8:3
demonstrated [1] - 9:21
demonstration [1] - 9:11
deny [4] - 12:11, 23:10, 23:11, 25:15
derives [1] - 20:23
determine [1] - 12:11
different [2] - 9:17, 20:12
difficulty [1] - 16:21
direct [1] - 9:5
directives [1] - 13:19
directly [3] - 6:12, 14:2, 14:8
discrepancies [3] -

17:23, 18:2, 25:12
discuss [1] - 25:8
discussion [4] - 5:10, 23:7, 23:12, 25:24
distinguished [1] - 20:5
DO [1] - 27:8
document [2] - 4:23, 17:4
done [4] - 11:24, 15:19, 17:25
DRA [12] - 6:16, 7:8, 13:5, 13:19, 13:21, 14:5, 14:8, 14:22, 16:18, 21:1, 21:23, 24:15
DRA's [2] - 15:5, 15:9
drive [1] - 17:13
duly [1] - 27:8
duly-appointed [1] - 27:8

E

East [1] - 2:3
echo [1] - 25:10
educational [1] - 21:6
either [2] - 13:8, 19:17
EL 14-026 [3] - 1:4, 3:1, 5:7
electric [5] - 3:3, 17:14, 20:19, 20:20, 20:22
ELECTRIC [1] - 1:5
electricity [4] - 9:1, 20:19, 20:23, 21:8
electronic [1] - 27:9
end [1] - 10:10
energy [2] - 21:2, 21:7
entitled [1] - 2:2
entity [1] - 8:9
error [1] - 13:23
events [1] - 13:18
evidence [4] - 9:5, 11:20, 23:9, 24:1
Evidence [2] - 11:18, 22:22
exaggerations [1] - 22:24
example [2] - 11:19, 17:11
excuse [1] - 24:15
expect [1] - 17:1
expert [1] - 11:21
explain [1] - 20:11
expressed [1] - 14:3

F

fact [4] - 6:5, 11:8, 12:17, 16:19
facts [2] - 3:24, 7:25
failed [1] - 8:2
faith [1] - 13:24
familiar [1] - 20:2
family [1] - 19:2
far [2] - 20:7, 25:12
few [3] - 3:12, 7:17, 8:17
FIGEN [9] - 1:11, 5:14, 21:15, 21:25, 22:3, 22:13, 23:8, 23:25, 26:3
Fiegen [8] - 5:13, 5:14, 11:7, 21:14, 23:19, 23:23, 26:2, 26:3
file [5] - 4:21, 8:14, 13:22, 15:25, 24:25
filed [17] - 3:7, 3:13, 4:7, 4:25, 5:20, 6:1, 6:2, 7:16, 7:20, 8:16, 9:6, 12:1, 12:8, 15:15, 16:7, 18:18, 23:1
filling [12] - 6:10, 10:25, 11:12, 12:20, 15:12, 15:13, 15:25, 16:5, 17:8, 18:6, 20:17, 25:6
filings [6] - 15:18, 15:22, 22:21, 22:25, 23:23, 25:12
finally [1] - 12:17
first [7] - 3:8, 7:20, 8:19, 9:19, 12:1, 17:12, 18:3
folks [2] - 7:8, 15:16
follow [4] - 13:12, 15:17, 22:23, 23:4
followed [2] - 11:19, 12:9
following [4] - 13:19, 17:6, 22:21, 22:23
FOR [1] - 1:4
foregoing [1] - 27:10
foremost [1] - 7:20
Forest [1] - 3:17
forest [1] - 3:18
forth [4] - 3:24, 4:23, 8:11, 10:16
frankly [1] - 11:1
friendly [2] - 24:23, 25:4
front [2] - 16:22, 19:1
future [1] - 16:16

G

GARY [1] - 1:10
GCC [1] - 3:17
general [5] - 6:18, 18:11, 20:6, 20:18, 20:20
generally [1] - 21:23
given [2] - 4:9, 20:24
grant [2] - 3:6, 24:8
granted [2] - 4:11, 5:8
granting [1] - 25:5
greatly [2] - 22:25, 25:11
group [2] - 3:16, 21:5
guess [1] - 24:19

H

Hammond [1] - 17:12
Hanson [6] - 4:16, 5:15, 7:12, 10:23, 11:6, 26:4
HANSON [30] - 1:10, 3:1, 4:12, 5:3, 5:10, 5:13, 5:15, 5:23, 6:20, 6:24, 12:24, 13:2, 14:23, 16:17, 16:24, 17:18, 19:12, 19:15, 21:14, 22:15, 23:12, 24:4, 24:13, 24:22, 25:2, 25:7, 25:9, 25:23, 26:2, 26:4
hear [1] - 13:4
heard [1] - 20:7
hearing [4] - 5:11, 10:20, 12:16, 25:25
heels [1] - 6:3
held [2] - 2:1, 9:17
help [1] - 16:24
hence [1] - 25:21
HEREBY [1] - 27:8
herself [1] - 15:22
Hills [53] - 3:2, 3:15, 4:2, 4:4, 4:5, 4:6, 4:14, 4:17, 4:19, 4:21, 4:22, 4:25, 6:2, 7:11, 7:18, 8:4, 8:24, 9:3, 9:7, 9:8, 9:13, 9:16, 9:20, 10:25, 11:3, 14:8, 14:11, 15:2, 15:7, 16:19, 16:25, 17:7, 17:9, 17:10, 17:14, 17:17, 18:4, 18:5, 20:23, 21:9, 21:19, 21:21, 22:5, 22:8, 22:10,

24:1, 24:2, 24:12, 24:15, 24:16, 24:24, 25:1 HILLS [1] - 1:4 hoc [1] - 3:14 hold [1] - 10:2 Hospital [1] - 3:19 house [1] - 4:19 households [3] - 19:2, 19:4 HUGHES [1] - 27:3 hundreds [3] - 18:5, 18:8, 19:3	industry [3] - 20:20, 20:22, 21:7 inflammatory [3] - 13:7, 15:11, 22:24 influence [1] - 13:8 information [4] - 18:20, 19:20, 25:6, 25:13 initial [1] - 17:24 intended [1] - 15:25 interest [22] - 8:1, 8:11, 9:5, 10:6, 10:7, 11:3, 11:4, 14:25, 15:1, 20:4, 20:10, 20:11, 20:12, 20:13, 20:14, 20:15, 20:17, 20:25, 21:1, 21:3, 21:12, 23:3 interests [4] - 4:2, 14:4, 14:19, 20:5 interrupt [1] - 6:25 intervene [9] - 3:13, 3:23, 11:9, 12:12, 12:13, 12:18, 14:22, 16:13, 23:17 Intervene [11] - 4:24, 6:1, 6:5, 7:17, 7:22, 8:2, 10:5, 10:14, 12:2, 16:6, 17:24 intervened [1] - 4:5 intervening [1] - 8:12 Intervenor [5] - 5:17, 6:16, 6:17, 20:4 Intervenors [16] - 3:5, 3:8, 3:16, 4:2, 4:3, 4:4, 4:13, 4:15, 4:23, 4:25, 5:6, 5:9, 6:4, 9:18, 14:4, 14:20 Intervenors' [1] - 3:23 intervention [16] - 3:6, 3:24, 4:10, 4:22, 5:8, 7:18, 10:17, 11:10, 11:14, 12:19, 15:5, 23:11, 24:8, 25:5, 25:15, 25:18 involved [2] - 13:20, 25:18 involvement [1] - 4:8 irrational [2] - 13:11, 13:15 irrationally [4] - 9:16, 10:1, 13:9, 15:11 issues [7] - 10:9, 10:10, 11:11, 20:17, 20:19, 24:11, 25:18 Item [5] - 21:18, 22:9, 23:25 ITS [1] - 1:5 itself [1] - 8:3	J	lives [2] - 17:13 look [2] - 9:9, 20:3 looked [1] - 18:12 looking [4] - 11:2, 11:4, 23:23, 23:25	24:22, 24:23, 25:21, 3 25:24, 26:5 move [5] - 3:4, 5:7, 23:22, 24:7, 24:8 MR [3] - 3:11, 4:16, 7:12 MS [16] - 5:19, 5:25, 6:22, 13:1, 13:16, 15:23, 16:21, 17:3, 18:10, 18:22, 18:25, 19:14, 20:14, 21:22, 22:2, 22:7 must [4] - 9:7, 15:17, 15:19
I		K	M	N
idea [1] - 18:11 identify [1] - 22:9 immediately [1] - 13:24 impact [1] - 3:25 impacted [1] - 6:8 IN [1] - 1:4 in-house [1] - 4:19 inaudible [2] - 19:6, 19:11 Inc [9] - 3:17, 3:19, 4:17, 4:21, 8:4, 8:8, 8:21, 9:13, 9:16 INC [1] - 1:4 include [4] - 19:2, 19:4, 22:7 includes [2] - 6:7, 18:7 inconsistent [1] - 8:12 Incorporated [1] - 3:2 incorporated [1] - 8:20 incorporates [1] - 14:13 INCREASE [1] - 1:5 increase [8] - 3:3, 3:25, 6:9, 6:18, 14:5, 15:5, 20:25, 21:5 increases [2] - 15:7, 20:21 Indiana [1] - 18:14 indicate [2] - 9:4, 9:15 indicated [3] - 4:20, 8:21, 20:1 individual [1] - 21:24 Industrial [16] - 3:4, 3:8, 3:16, 3:22, 4:2, 4:4, 4:15, 4:22, 4:25, 5:6, 5:8, 6:4, 6:16, 9:18, 14:4, 14:20 Industrial [2] - 3:14, 4:1 industries [1] - 14:11	King [9] - 12:1, 12:6, 15:13, 15:15, 15:21, 16:24, 19:12, 21:22, 22:13 KING [4] - 18:22, 18:25, 19:14, 22:7 knowledge [2] - 17:11, 21:6 known [1] - 3:15 Koenig [1] - 4:18 KRISTIE [1] - 1:11	L	MAGNUSON [2] - 4:16, 7:12 Magnuson [8] - 4:17, 5:3, 7:13, 12:24, 13:6, 13:18, 15:9, 24:10 Magnuson's [2] - 14:7, 15:3 maintain [2] - 5:1, 8:22 manner [1] - 24:9 MATTER [1] - 1:4 matter [9] - 2:2, 3:1, 12:7, 14:1, 23:24 matters [3] - 11:12, 12:20, 15:19 MCCOMSEY [1] - 27:5 McComsey [2] - 1:20, 27:17 mean [1] - 15:20 means [1] - 19:6 meet [1] - 20:9 member [4] - 13:22, 18:14, 22:20, 23:2 members [16] - 6:11, 6:13, 6:17, 9:7, 9:12, 16:18, 17:6, 18:13, 19:2, 19:4, 19:8, 20:15, 21:1, 24:3, 24:16, 25:1 members' [2] - 3:25, 9:5 membership [2] - 13:19, 18:25 memberships [3] - 19:1, 19:3, 19:7 mentioned [1] - 10:23 met [1] - 25:14 might [2] - 21:10, 25:8 miscommunication [1] - 16:1 mistake [1] - 16:4 misunderstanding [1] - 16:8 Moratzka [2] - 3:10, 4:20 MORATZKA [1] - 3:11 Motion [2] - 6:1, 6:5 motion [12] - 5:6, 5:10, 5:16, 22:17, 23:6, 24:6, 24:18,	name [2] - 8:5, 8:20 namely [1] - 3:24 names [1] - 17:12 need [7] - 11:16, 11:18, 11:22, 13:7, 20:25, 23:3, 23:10 needs [1] - 23:17 Nelson [7] - 5:11, 11:7, 17:20, 19:22, 23:20, 24:5, 25:25 NELSON [15] - 1:10, 5:7, 5:12, 17:22, 18:24, 19:23, 21:13, 23:21, 24:6, 24:19, 24:25, 25:3, 25:8, 25:10, 26:1 next [1] - 9:4 none [2] - 5:11, 25:25 nonprofit [1] - 8:8 Notary [2] - 27:7, 27:18 note [4] - 6:3, 8:17, 10:23, 11:16 Notice [1] - 5:20 number [2] - 6:11, 19:5
			O	
			object [2] - 8:13, 10:14 objected [1] - 7:18 objection [9] - 4:7, 4:14, 4:24, 6:2, 8:14, 8:15, 8:16, 10:4, 10:17 objections [1] - 16:25 obviously [1] - 18:13 OF [7] - 1:2, 1:4, 2:1, 27:1, 27:3 offensive [1] - 9:19 office [4] - 6:6, 8:22,	

14:5, 14:24
often [1] - 19:1
one [8] - 4:13, 4:18,
6:4, 14:21, 16:25,
18:14, 21:18, 23:25
operations [1] - 4:1
opinion [1] - 11:20
opposed [2] - 23:15,
23:17
orally [1] - 6:25
organization [1] - 18:1
original [4] - 8:2, 8:10,
9:21, 16:5
outlined [1] - 24:10

P

paid [2] - 15:6, 19:9
parameters [1] - 25:21
part [1] - 16:4
participate [1] - 13:25
participation [1] -
15:9
particular [6] - 14:17,
14:19, 17:4, 20:20,
21:8
particularly [1] - 6:3
parties [2] - 3:6, 3:21
party [2] - 10:19,
12:15
pays [1] - 6:6
peculiar [4] - 20:4,
20:10, 20:12, 20:14
people [10] - 9:12,
17:8, 17:15, 17:25,
18:7, 18:16, 18:19,
19:7, 21:5, 22:9
perhaps [2] - 16:24,
18:20
person [4] - 7:21,
11:19, 11:20, 21:24
personally [2] - 22:2,
23:9
Pete [1] - 3:17
petition [2] - 3:13,
3:23
Petition [18] - 3:20,
4:24, 7:17, 7:21, 8:2,
8:10, 8:23, 9:21,
10:5, 10:14, 10:17,
12:1, 12:11, 16:6,
17:24, 18:3, 18:6
petitioner [1] - 20:5
petitioners [1] - 22:3
phone [1] - 4:18
Pierre [2] - 2:3, 27:11
pine [1] - 17:14
point [7] - 7:2, 12:8,
14:19, 15:3, 16:20,

23:13, 23:16
points [1] - 13:7
position [3] - 5:1,
13:1, 23:14
possible [1] - 19:17
potentially [1] - 19:6
Power [40] - 3:2, 3:15,
4:5, 4:6, 4:14, 4:17,
4:21, 6:2, 7:11, 7:18,
8:4, 8:24, 9:3, 9:9,
9:13, 9:16, 9:20,
11:1, 11:3, 14:11,
15:2, 15:7, 16:19,
17:1, 17:10, 17:17,
20:23, 21:9, 21:19,
21:21, 22:6, 22:8,
22:10, 24:1, 24:2,
24:12, 24:15, 24:17,
24:24, 25:1

POWER [1] - 1:4
practicing [1] - 16:9
prepared [2] - 17:1,
17:3
presentation [1] -
6:21
presume [2] - 14:9,
14:14
previously [1] - 16:10
primary [1] - 14:21
problem [1] - 15:21
problems [1] - 16:15
Procedure [6] - 11:18,
11:23, 11:25, 12:3,
12:9, 16:11
procedure [1] - 22:22
procedures [1] - 23:4
proceed [1] - 16:13
proceeding [4] - 3:21,
8:1, 11:17, 12:15
proceedings [4] -
10:19, 15:6, 27:10
Proceedings [1] - 1:7
PROCEEDINGS [1] -
2:1
process [2] - 15:12,
15:16
Products [1] - 3:18
products [1] - 3:18
Professional [2] -
27:6, 27:18
properly [1] - 23:1
property [2] - 14:12,
18:15
proposal [1] - 13:20
propose [2] - 10:18,
11:9
proposed [3] - 4:22,
11:12, 12:20
provide [1] - 17:18
provided [4] - 10:21,

24:14, 24:17, 24:24
provisional [1] - 25:5
public [4] - 6:18, 10:7,
13:9, 20:6
PUBLIC [2] - 1:1, 1:9
Public [3] - 7:3, 27:7,
27:18
PUC [1] - 16:10
pull [1] - 22:10
purpose [1] - 14:17
purposes [2] - 12:19,
23:22

Q

questions [5] - 5:5,
13:2, 17:21, 21:13,
22:15
quite [2] - 19:1, 19:15

R

raised [1] - 24:11
raising [1] - 11:11
Rapid [6] - 3:18, 6:6,
6:12, 8:22, 14:5,
17:16
rate [15] - 3:25, 4:5,
6:8, 6:18, 8:13, 9:24,
10:12, 10:20, 12:16,
13:20, 20:21, 20:25,
21:4, 25:19, 25:20
ratepayers [1] - 10:11
rates [1] - 3:3
RATES [1] - 1:5
rather [1] - 8:11
rationale [1] - 20:24
read [1] - 8:23
really [1] - 22:4
Realtime [2] - 27:6,
27:19
reason [1] - 7:25
reasonable [2] - 6:7,
14:9
reasons [2] - 7:19,
14:21
recently [1] - 12:5
record [1] - 9:25
RECORDED [1] - 1:7
RECORDING [1] - 2:1
recording [1] - 27:10
referenced [1] - 16:5
referred [1] - 8:6
regard [3] - 7:14, 8:17,
16:16
Regional [1] - 3:18
Registered [2] - 27:5,
27:18

related [2] - 11:12,
20:21
remarks [2] - 3:12, 7:8
renewed [1] - 19:8
rent [5] - 6:6, 9:1,
14:12, 14:14
Reported [1] - 1:20
Reporter [4] - 27:6,
27:18, 27:19
reporter [1] - 27:9
represent [6] - 6:14,
7:5, 10:6, 15:22,
20:8, 21:23
representatives [1] -
6:13
represented [5] - 3:9,
4:3, 5:18, 7:6, 10:25
representing [3] -
6:17, 7:9, 7:10
represents [2] - 9:22,
18:4
request [3] - 4:10,
12:11, 12:13
requests [1] - 14:22
require [1] - 15:18
required [2] - 7:23,
13:12
requirement [2] -
20:4, 20:10
requirements [1] -
10:22
reside [2] - 6:12, 17:9
residential [2] - 11:2,
20:8
residentials [1] - 11:5
residents [1] - 18:5
resolve [2] - 17:23,
18:2
Resources [1] - 3:19
respectfully [3] - 4:10,
6:23, 12:13
respond [1] - 18:22
responded [1] - 6:3
response [9] - 4:7,
4:21, 8:15, 8:16,
8:18, 14:2, 14:7,
14:18, 15:14
reverse [1] - 15:9
review [1] - 7:14
RPR [1] - 1:20
Rule [1] - 16:14
Rules [10] - 11:17,
11:18, 11:23, 11:25,
12:3, 12:9, 16:11,
16:12, 20:2, 22:22
rural [1] - 20:18
Rural [27] - 5:17, 5:18,
5:20, 6:5, 6:11, 6:14,
7:14, 7:16, 7:20, 8:3,
8:6, 8:8, 8:15, 8:20,

9:12, 9:17, 10:5,
10:14, 10:17, 11:9,
11:24, 12:12, 17:7,
18:4, 20:15, 24:9,
25:14
Rushmore [1] - 3:17

S

Sabrina [5] - 12:1,
12:6, 15:15, 18:22,
22:7
sake [1] - 13:8
SDCL [1] - 10:22
second [8] - 5:17,
7:24, 8:21, 12:2,
16:22, 17:5, 17:24,
18:6
see [6] - 9:9, 13:10,
13:17, 18:13, 18:17,
24:7
seem [1] - 20:9
send [1] - 15:24
sent [1] - 21:17
separate [1] - 17:25
September [1] - 27:12
sequence [1] - 13:17
served [2] - 3:21, 17:9
Service [3] - 12:5,
12:7, 15:15
servicing [1] - 12:7
set [6] - 3:24, 4:23,
7:4, 7:25, 8:10,
10:16
several [2] - 7:19,
17:15
shall [1] - 3:6
shortcomings [1] -
15:14
shorthand [1] - 27:9
show [5] - 22:19,
22:20, 23:2, 23:15,
23:17
showing [2] - 9:5,
24:25
shown [1] - 6:10
shows [2] - 24:15
sign [1] - 12:4
signed [2] - 7:21, 12:6
significant [1] - 7:19
simply [1] - 13:23
situation [1] - 25:16
skyline [1] - 17:13
slower [1] - 19:18
someone [2] - 19:9,
22:20
somewhat [1] - 7:3
Sons [1] - 3:17
sources [2] - 20:19,

<p>20:24 SOUTH [2] - 1:2, 27:1 South [15] - 2:2, 2:3, 3:20, 3:22, 4:9, 5:21, 7:22, 8:8, 8:22, 10:2, 10:3, 12:3, 13:14, 27:7, 27:11 speaking [2] - 19:18, 19:21 Spearfish [1] - 3:18 special [1] - 11:16 specific [6] - 10:7, 18:11, 18:12, 21:1, 21:3, 21:11 specifically [14] - 9:15, 11:4, 11:10, 13:14, 14:16, 15:20, 16:17, 16:18, 16:20, 17:16, 20:3, 20:16, 20:22, 20:23 spoken [1] - 21:24 SS [1] - 27:2 Staff [3] - 11:1, 13:1, 13:18 stand [1] - 10:4 standard [1] - 9:17 standards [1] - 10:2 standpoint [1] - 23:14 start [1] - 13:4 STATE [2] - 1:2, 27:1 state [3] - 9:25, 15:4, 16:18 State [4] - 2:2, 5:21, 13:14, 27:7 statement [1] - 18:13 statements [1] - 8:11 stating [1] - 4:7 status [2] - 10:19, 12:14 Statute [1] - 10:3 statutes [1] - 13:13 statutory [1] - 16:14 Steve [1] - 17:12 still [1] - 22:18 submitted [2] - 6:23, 9:4 subsequent [3] - 15:16, 24:14 subsequently [1] - 22:23 sufficient [1] - 19:20 suggest [1] - 9:19 support [5] - 15:10, 23:3, 24:13, 24:17, 24:22 supporting [1] - 7:25 surrounding [1] - 17:16</p>	<p style="text-align: center;">T</p> <p>tariff [2] - 11:12, 12:20 taxpayers [1] - 20:6 terms [2] - 6:18, 14:5 THE [5] - 1:1, 1:2, 1:4, 1:9 therefore [2] - 14:14, 15:7 TO [1] - 1:5 today [5] - 20:1, 23:9, 23:10, 23:11 token [1] - 25:17 transcribed [1] - 27:9 Transcript [1] - 1:7 TRANSCRIPT [1] - 2:1 transmission [1] - 20:19 transpired [1] - 7:14 treated [2] - 10:1, 12:18 trifurcated [1] - 7:3 try [3] - 15:4, 24:6, 24:7 trying [4] - 10:1, 10:8, 17:23, 23:22 turn [2] - 3:8, 17:20 two [4] - 12:6, 17:12, 17:25, 24:21 typical [1] - 10:7</p>	<p style="text-align: center;">V</p> <p>various [1] - 20:24 versus [1] - 10:7 VICE [1] - 1:10 votes [4] - 5:14, 5:15, 26:3, 26:4</p> <p style="text-align: center;">W</p> <p>wants [1] - 22:4 weeks [1] - 24:21 Wharf [1] - 3:19 wish [1] - 5:24 witness [1] - 11:21 Wittler [2] - 1:20, 27:17 WITTLER [1] - 27:5 wondering [1] - 18:8 words [1] - 21:3 wrestling [1] - 22:18 writing [1] - 6:23</p>
<p style="text-align: center;">U</p> <p>under [3] - 12:3, 12:4, 16:3 understood [1] - 14:7 unfair [2] - 13:11, 13:14 unfairly [4] - 9:16, 10:1, 13:9, 15:10 unfortunately [1] - 13:21 unique [2] - 4:2, 21:5 unless [1] - 6:25 unreasonable [1] - 14:14 up [6] - 9:1, 9:2, 10:10, 14:15, 19:15, 19:19 urban [1] - 20:18 usage [1] - 21:2 utilities [1] - 6:7 UTILITIES [2] - 1:1, 1:9 Utilities [1] - 7:3 utility [1] - 14:13</p>	<p style="text-align: center;">Y</p> <p>year [3] - 4:21, 7:16, 19:9 years [1] - 16:10</p>	