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South Dakota Public Utilities Commission Meeting
January 6, 2015, at 9:30 A.M. CST
Room 413, Capitol Building
Pierre, South Dakota

MINUTES OF THE COMMISSION MEETING

Vice Chairman Chris Nelson called the meeting to order. Present were: Commissioner: Kristie Fiegen; Commission Counsel: John Smith and Rolayne Wiest; Commission Advisor: Greg Rislov; Staff Attorney: Kristen Edwards; Staff Analysts: Darren Kearney, Brittany Mehlhaff, Eric Paulson, Patrick Steffensen, David Henry, and Joseph Rezac; Executive Director: Patty Van Gerpen; Consumer Affairs Supervisor: Deb Gregg; and Staff: Katlyn Gustafson.

Also present were:

Mark Johnson, TransCanada Keystone Pipeline, LP; Thomasina Real Bird, Fredericks Peebles & Morgan LLP, representing Yankton Sioux Tribe; Joye Braun, self; Paul Seamans, self; Faith Spotted Eagle, Yankton/Ihanktonwan Treaty Council; Sabrina King, Dakota Rural Action; Tracey Zephier, Cheyenne River Sioux Tribe; Travis Clark, Cheyenne River Sioux Tribe; Dallas Goldtooth, self; Lewis Grass Rope, self; Alex Romero, self; Sharon Drapeau, Brave Heart Women's Society; Faith Spotted Eagle, Yankton Treaty Council; Randy Emery, self; Daniel Cramer, Sr., self; Dan Merrival, AIM; Wayne Fredrick, Rosebud Sioux Tribe; George Iron Wing, Jr., self; Eric Antoine, Rosebud Sioux Tribe; Paula Antoine, Rosebud Sioux Tribe; Audrey Kills Plenty, Rosebud Sioux Tribe; Chase Iron Eyes, self; Kevin LaRose, Yankton Sioux Tribe; Serena Iron Wing, Cheyenne River Sioux Tribe; Mary Ann Bear Heels-McGowan, Rosebud Sioux Tribe; Morgan Brings Plenty LeBeau, self; Ellsworth Chytka, Yankton Sioux Tribe; D'Este Chytka, Yankton Sioux Tribe; Michael Bush, self; Jim Picotte, CRST; Seth Picotte, CRST; Joe White Eyes, self; and Cody Hall, self.

Joining the meeting by telephone were:

Chairman Gary Hanson; Jeff Decker, NorthWestern Corporation dba NorthWestern Energy; John Gors, Clay-Union Electric Cooperative; Ted Smith, Sioux Valley-Southwestern Electric Cooperative, Inc. dba Sioux Valley Energy; James Moore and William Taylor, Woods, Fuller, Schultz, and Smith, representing TransCanada Keystone Pipeline, LP; Scott Fritz, Otter Tail Power Company; Viola Waln, self; Kimberly Craven, Attorney, representing Indigenous Environmental Network; Matt Rappold, Rappold Law Office, representing Rosebud Sioux Tribe; Nancy Hilding, self; Bruce Ellison, Attorney, representing Dakota Rural Action; Paul Blackburn, Attorney, representing Bold Nebraska; Carolyn Smith, self; and Mary Turgeon Wynne, Rosebud Sioux Tribe - Tribal Utility Commission.

Consumer Reports

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

The Commission received a total of 87 contacts since the last report was prepared for the December 23, 2014 Commission meeting.

10 of the contacts involved telecommunication services, 28 of the contacts involved electrical services, 10 of the contacts involved natural gas service, 5 contacts involved cell phone service, 13 contacts were related to the Do Not Call Registry, 6 contacts were related to Keystone XL, 1 contact was related to One Call, 6 contacts were related to the Dakota Access Pipeline and 8 contacts were related to issues not regulated by the PUC.

1,894 of the 1,916 complaints received in 2014 have been resolved.

10 of the 16 complaints received in 2015 have been resolved.

Electric

1. **EL14-094** In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Kingsbury Electric Cooperative, Inc. and Otter Tail Power Company (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)
2. **EL14-095** In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Sioux Valley-Southwestern Electric Cooperative, Inc. dba Sioux Valley Energy and Otter Tail Power Company (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)
3. **EL14-096** In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Traverse Electric Cooperative Inc. and Otter Tail Power Company (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)
4. **EL14-097** In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between White Municipal Electric and Otter Tail Power Company (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)
5. **EL14-098** In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Big Stone City Municipal Electric and Otter Tail Power Company (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)
6. **EL14-099** In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Badger Municipal Electric and Otter Tail Power Company (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)
7. **EL14-100** In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Kingsbury Electric Cooperative, Inc. and NorthWestern Corporation dba NorthWestern Energy (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)
8. **EL14-101** In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Clay-Union Electric Cooperative and NorthWestern Corporation dba NorthWestern Energy (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)
9. **EL14-102** In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Douglas Electric Cooperative, Inc. and NorthWestern Corporation dba NorthWestern Energy (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)
10. **EL14-103** In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Northern Electric Cooperative, Inc. fka Spink Electric Cooperative, Inc. and NorthWestern Corporation dba NorthWestern Energy (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)
11. **EL14-104** In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Otter Tail Power Company and Lake Region Electric Association Inc. (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)
12. **EL14-105** In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Clay-Union Electric Cooperative and Vermillion Light and Power (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 EL14-094, EL14-095, EL14-096, EL14-097, EL14-098, EL14-099, EL14-100, EL14-101, EL14-102, EL14-103, EL14-104, and EL14-105.

In Dockets EL14-094, EL14-095, EL14-096, EL14-097, EL14-098, EL14-099, EL14-100, EL14-

101, EL14-102, EL14-103, EL14-104, and EL14-105, Commissioner Fiegen moved to approve the proposed electric service territory boundary agreements. Motion carried 3-0.

13. EL14-106 In the Matter of the Application of NorthWestern Corporation dba NorthWestern Energy for Authority to Increase Its Electric Rates (Staff Analysts: Brittany Mehlhaff, Patrick Steffensen, Eric Paulson, Joseph Rezac; Staff Attorney: Karen Cremer)

Ms. Brittany Mehlhaff, staff analyst, recommended that the Commission suspend the imposition of the tariff for 180 days beyond December 19, 2014, and assess a filing fee for actual expenses not to exceed \$250,000 and give the Executive Director authority to enter into necessary consulting contracts. Mr. Jeff Decker, NorthWestern Corporation dba NorthWestern Energy (NorthWestern), stated that NorthWestern doesn't object to staff's recommendations.

Commissioner Hanson moved to suspend the imposition of the tariff for 180 days beyond December 19, 2014, assess a filing fee for actual expenses not to exceed \$250,000, and give the Executive Director authority to enter into necessary consulting contracts. Motion carried 3-0.

Hydrocarbon Pipeline

1. HP14-001 In the Matter of the Petition of TransCanada Keystone Pipeline, LP for Order Accepting Certification of Permit Issued in Docket HP09-001 to Construct the Keystone XL Pipeline (Staff Analysts: Brian Rounds, Darren Kearney; Staff Attorney: Kristen Edwards)

A lengthy discussion took place regarding docket HP14-001. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2015, January 6, 2015, recording located at:

<http://puc.sd.gov/commission/media/2015/puc hearing01062015.mp3>.

Commissioner Hanson moved to accept the motions for joinder from those parties seeking to join in the Motion to Dismiss. Motion carried 3-0.

Commissioner Hanson moved to deny all Motions to Dismiss. Motion carried 3-0.

There being no further business, at the hour of 10:29 a.m. the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley

Joy Lashley
Administrative Assistant
puc@state.sd.us
January 6, 2015