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South Dakota Public Utilities Commission Meeting

January 5, 2016, at 9:30 A.M. CST

Room 413, Capitol Building

Pierre, South Dakota

NOTE: If you wish to join this meeting by conference call, please contact the Commission at 605-773-3201 by 5:00 p.m. CST on Monday, January 4, 2016. Lines are limited and are given out on a first come, first served basis, subject to possible reassignment to accommodate persons who must appear in a proceeding. Ultimately, if you wish to participate in the Commission Meeting and a line is not available, you may have to appear in person.

NOTE: To listen to the Commission Meeting live please go to the PUC's website www.puc.sd.gov and click on the LIVE link on the home page. The Commission requests persons who will only be listening to proceedings and not actively appearing in a case listen via the web cast to free phone lines for those who have to appear. The Commission meetings are archived on the PUC's website under the Commission Actions tab, Click on "Commission Meeting Archives," to access the recordings.

NOTE: Notice is further given to persons with disabilities that this Commission meeting is being held in a physically accessible place. If you have special needs, please notify the Commission and we will make all necessary arrangements.

AGENDA OF COMMISSION MEETING

Consumer Reports

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

Natural Gas

1. **NG15-008 In the Matter of the Filing by NorthWestern Corporation dba NorthWestern Energy for Approval of its Tariff Revisions (Staff Analysts: Patrick Steffensen, Eric Paulson; Staff Attorney: Adam de Hueck)**

On December 17, 2015, NorthWestern Corporation dba NorthWestern Energy (NorthWestern) filed a letter requesting approval of tariff revisions. NorthWestern proposes these revisions to 1.) change the reference of the gas pricing publication vendor, 2.) reinstate tamper fee language that was inadvertently removed in a prior filing, and 3.) add language to allow the resale of compressed natural gas at commercial refueling stations. NorthWestern plans to start the gas pricing from the new publication for the January Purchased Gas Adjustment (PGA) filing, and thus requests approval of all tariff changes with less than 30 days' notice, effective January 1, 2016.

TODAY, shall the Commission grant intervention to any parties that may have filed? AND, shall the Commission approve the tariff revisions with less than 30 days' notice, effective January 1, 2016?

Telecommunications

1. **TC15-064 In the Matter of the Application of Vitcom, LLC for a Certificate of Authority to Provide Local Exchange Services and Interexchange Long Distance Services in South Dakota (Staff Analyst: Lorena Reichert; Staff Attorney: Kristen Edwards)**

On September 2, 2015, the Commission received an application from Vitcom LLC (Vitcom) for a certificate of authority to provide interexchange long distance service and local exchange services in

South Dakota. On October 19, 2015, and November 4, 2015, Vitcom responded to staff's data requests. On December 23, 2015, Vitcom submitted a letter requesting withdrawal of its application.

TODAY, shall the Commission approve the request for withdrawal?

2. TC15-068 In the Matter of the Application of Stratus Networks, Inc. for a Certificate of Authority to Provide Interexchange Long Distance Services in South Dakota (Staff Analyst: Lorena Reichert; Staff Attorney: Adam de Hueck)

On October 15, 2015, Stratus Networks, Inc. (Stratus) filed an application for a Certificate of Authority to provide interexchange long distance services throughout South Dakota. Specifically, Stratus proposes to offer resold interexchange services. On November 13, 2015, and December 1, 2015, Stratus responded to staff's data requests.

TODAY, shall the Commission grant Stratus Networks, Inc.'s request for a Certificate of Authority to provide interexchange services in South Dakota?

3. TC15-069 In the Matter of the Petition for a Declaratory Ruling by Qwest Corporation dba CenturyLink QC and Dex Media, Inc. regarding Directory Publication (Staff Analyst: Lorena Reichert; Staff Attorney: Adam de Hueck)

On November 13, 2015, the South Dakota Public Utilities Commission received a filing from Qwest Corporation dba CenturyLink QC (CenturyLink) and Dex Media, Inc. (Dex Media) requesting a Declaratory Ruling to clarify whether South Dakota statutes and regulations, specifically SDCL § 49-31-107, ARSD § 20:10:06:03, and ARSD § 20:10:32:10, relating to telephone directories and directory listings, require a paper printed format. On December 10, 2015, CenturyLink and Dex Media responded to staff's data requests.

TODAY, how shall the Commission rule? OR, how shall the Commission proceed?

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 Attorneys: Kristen Edwards, Karen Cremer)

On September 15, 2014, the Commission received a filing from TransCanada Keystone Pipeline, LP (Keystone) seeking an order accepting certification of the permit issued in HP09-001. The Commission issued an Amended Final Decision and Order granting a permit to Keystone on June 29, 2010. Because it has been at least four years since the permit was issued, Keystone now seeks an order accepting certification, per SDCL 49-41B-27. An evidentiary hearing was held from July 27 to August 5, 2015. Per Commission Order, post-hearing briefs and reply briefs were submitted. On December 23, 2015, the Commission issued an Order Setting Final Motions and Decision Dates. In that Order, the Commission provided notice that it would issue its decision, as well as rule on any outstanding motions, in this docket on January 5, 2016, and ordered that any pre-decision motions must be filed by December 30, 2015.

TODAY, how shall the Commission rule on any pending motions? AND, shall the Commission find that the certification is valid? OR, how shall the Commission proceed?

Items for Commission Discussion

Announcements

1. The PUC offices will be closed Friday, January 1, 2016, in observance of New Year's Day.
2. Commissioners will attend the Mid-America Regulatory Commissioners Retreat, January 7-9,

2016, at the Menger Hotel, San Antonio, Texas.

3. The PUC offices will be closed Monday, January 18, 2016, in observance of Martin Luther King, Jr. Day.
4. The next regularly scheduled commission meeting will be Tuesday, January 19, 2016, at 1:30 p.m. CST at the Floyd Matthew Training Center in the Foss Building, 523 E. Capitol Ave., Pierre, S.D.
5. Commissioners and staff will host a briefing for legislators on Tuesday, January 19, 2016, at 4:00 p.m. CST in Room 414 at the State Capitol Building, Pierre, S.D. The agenda is to discuss the EPA's Clean Power Plan, PUC procedural updates about the Dakota Access Pipeline and proposed Keystone XL Pipeline and current issues related to telecommunications, wind energy, grain warehouses, pipeline safety and energy regulation.
6. Commission meetings are scheduled for February 1 and 12, 2016

/s/Cindy Kemnitz

Cindy Kemnitz

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December 29, 2015