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South Dakota Public Utilities Commission Meeting

April 14, 2015, at 9:30 A.M. CDT

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. CDT on Monday, April 13, 2015. 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)

Administration

1. Establishment of the Gross Receipts Tax Levy for the 2016 Fiscal Year (Finance Manager: Cindy Kemnitz)

SDCL Chapter 49-1A establishes the South Dakota Public Utilities Commission Gross Receipts Tax Fund. This Fund is financed by assessing a tax on the annual intrastate gross receipts received by a utility. The Fund is used by the Commission to defray regulatory expenses related to the regulation of telecommunications, electricity and natural gas. On April 1 of each year, all utilities and telecommunications companies doing business in South Dakota shall file with the Commission, on forms provided by the Commission, the amount of its gross receipts derived from customers within South Dakota during the preceding calendar year pursuant to SDCL 49-1A-4. The report shall be sworn to and verified by an officer of the company. The Commission shall, by order, establish the rate and assess the tax authorized in SDCL 49-1A-3 which, together with any funds remaining from the current fiscal year and the two hundred fifty dollar minimum gross receipt tax, will fund the Commission's budget for the next fiscal year and provide a contingency reserve in an amount not to exceed the prior year's budget. In accordance with SDCL 49-1A-5, the tax is due and payable on July 15 of each year.

TODAY, shall the Commission Establish the Rate and Assess the Gross Receipts Tax as Authorized in SDCL49-1A-3?

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**

004177

Pipeline (Staff Analysts: Brian Rounds, Darren Kearney; Staff Attorney: Kristen Edwards)

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 intervention deadline of October 15, 2014, was set. The Commission granted intervention to several parties. On December 17, 2014, the Commission issued an Order establishing a procedural schedule. An evidentiary hearing was set for May 5-8, 2015. On March 25, 2015, Keystone filed an Amended Motion to Preclude Certain Intervenor from Offering Evidence or Witnesses at Hearing and to Compel Discovery (Keystone's Discovery Motion). On that same date, Standing Rock Sioux Tribe filed a Motion for Discovery Sanctions or to Compel (Standing Rock's Motion). On March 27, 2015, the Commission issued an Amended Order for and Notice of Motion Hearing, ordering Keystone's Discovery Motion and Standing Rock's Motion to be heard at the regular Commission meeting on April 14, 2015, with responses to the Motions submitted no later than 5:00 p.m. CDT, on April 8, 2015. Per the Commission's ordered procedural schedule, prefiled testimony was to be submitted no later than April 2, 2015. On April 2 and April 3, 2015, Dakota Rural Action and Intertribal COUP, respectively, filed objections to the Commission's order requiring prefiled testimony. On April 3, 2015, the Commission issued an Order Granting in Part Motion to Amend Procedural Schedule. In this Order, the Commission ordered that all motions to compel must be filed and served by April 7, 2015. The Commission also ordered that all pre-hearing motions be heard at the April 14 Commission meeting. On April 6, 2015, Keystone filed a Motion to Preclude Parties from Calling Witnesses Who Did Not File Prefiled Testimony (Keystone's Prefiled Testimony Motion).

The following motions were received by the Commission on April 7, 2015, and are available at <http://www.puc.sd.gov/Dockets/HydrocarbonPipeline/2014/hp14-001.aspx>:

1. Dakota Rural Action's Motion and Supporting Memorandum to Compel Discovery (DRA's Motion to Compel Keystone)
2. Dakota Rural Action's, Rosebud Sioux Tribe's, Standing Rock Sioux Tribe's, Cheyenne River Sioux Tribe's, and Indigenous Environmental Network's Joint Motion for Stay of Proceedings (Motion to Stay)
3. Gary Dorr's Motion to Compel Discovery and Preclude Keystone from Offering Evidence or Witnesses at Hearing (Gary Dorr's Motion)
4. Dakota Rural Action's, Rosebud Sioux Tribe's Cheyenne River Sioux Tribe's, and Indigenous Environmental Network's Joint Motion for Appointment of Special Master (Motion for Appointment of Special Master)
5. Rosebud Sioux Tribe's Motion to Compel Discovery
6. Dakota Rural Action's Motion and Supporting Memorandum to Compel Discovery (DRA's Motion to Compel Staff)
7. Yankton Sioux Tribe's Motion to Compel

On April 7, 2015, the Commission received a request from Jeff Jensen to withdraw as a party to this docket.

TODAY, shall the Commission grant Jeff Jensen's request to withdraw as a party to this docket?
 AND, Shall the Commission grant the Motion to Stay?
 AND, shall the Commission grant the Motion for Appointment of Special Master?
 AND, shall the Commission grant Keystone's Discovery Motion?
 AND, shall the Commission grant Standing Rock's Motion?
 AND, shall the Commission grant Keystone's Prefiled Testimony Motion?
 AND, shall the Commission grant DRA's Motion to Compel Keystone?

AND, shall the Commission grant Gary Dorr's Motion?

AND, shall the Commission grant Rosebud Sioux Tribe's Motion to Compel Discovery?

AND, shall the Commission grant DRA's Motion to Compel Staff?

AND, shall the Commission grant Yankton Sioux Tribe's Motion to Compel?

AND, how shall the Commission proceed on any other outstanding motion?

OR, how shall the Commission proceed?

Items for Commission Discussion

Announcements

1. The PUC will host the South Dakota/North Dakota Pipeline Safety Operators Training, April 15-16, 2015, at the Ramkota Hotel and Conference Center, Sioux Falls, S.D.
2. Commissioners will attend the Center for Public Utilities Advisory Council's Current Issues 2015 forum April 19-22, 2015, at the Eldorado Hotel, Santa Fe, N.M.
3. The next regularly scheduled commission meeting will be Thursday, April 30, 2015, at 9:30 a.m. CDT in Room 413 at the State Capitol Building, Pierre, S.D.
4. An evidentiary hearing in docket [HP14-001](#) will be held May 5-8, 2015, in Room 414 at the State Capitol Building, Pierre, S.D.
5. Commission meetings are scheduled for May 12 and 26, 2015.

/s/Cindy Kemnitz

Cindy Kemnitz

Finance Manager

puc@state.sd.us

April 8, 2015