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### South Dakota Public Utilities Commission Meeting

January 17, 2017, at 1:30 P.M. CST

Matthew Training Center, Foss Building

Pierre, South Dakota

**NOTE:** If you wish to join this meeting by conference call, please contact the Commission at 605-773-3201 by 10:00 a.m. CST on Tuesday, January 17, 2017. 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](http://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)

##### Electric

##### 1. **EL16-038 In the Matter of the Joint Request for Revocation of a Service Rights Exception between West Central Electric Cooperative, Inc., and Oahe Electric Cooperative, Inc. (Staff Analyst: Joseph Rezac; Staff Attorney: Amanda Reiss)**

On December 7, 2016, the Commission received a joint request from West Central Electric Cooperative, Inc. and Oahe Electric Cooperative, Inc., for a revocation of a service rights exception. The original service rights exception was granted in EL92-009. After plans outlined in EL92-009 never came to fruition, the companies entered into an agreement to revoke their prior agreement.

TODAY, shall the commission approve the joint request for revocation of a service rights exception?

##### 2. **EL16-040 In the Matter of the Request by Inter-Lakes Community Action Partnership for a Variance from the Individual Metering Requirement in ARSD 20:10:26:03 for Three Multi-Family Facilities in Sioux Falls, South Dakota (Staff Analyst: Eric Paulson; Staff Attorney: Amanda Reiss)**

On December 22, 2016, the Commission received a filing from Inter-Lakes Community Action Partnership. This filing is for approval of a variance from the individual metering requirements in ARSD 20:10:26:03. On January 5, 2017, a Gas & Electric docket was created to take the place of EL16-040.

TODAY, shall the Commission dismiss and close the docket?

##### 2. **EL16-041 In the Matter of the Request by Trinity Point Limited Partnership for a Variance from the Individual Metering Requirement in ARSD 20:10:26:03 for a 48-Unit Multi-Family Housing Structure in Sioux Falls, South Dakota (Staff Analyst: Eric Paulson; Staff Attorney: Amanda Reiss)**

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On December 22, 2016, the Commission received a filing from Trinity Point Limited Partnership. This filing is for approval of a variance from the individual metering requirements in ARSD 20:10:26:03. On January 5, 2017, a Gas & Electric docket was created to take the place of EL16-041.

TODAY, shall the Commission dismiss and close the docket?

### **Natural Gas**

#### **1. NG16-014 In the Matter of Commission Staff's Petition for Declaratory Ruling Regarding Farm Tap Customers (Staff Analysts: Brittany Mehlhaff, Mary Zanter, Patrick Steffensen; Staff Attorney: Kristen Edwards)**

On November 9, 2016, Commission Staff filed a petition for a declaratory ruling to resolve the following issues: 1) Does the Commission have jurisdiction over the utility providing natural gas to farm tap customers taking natural gas from the transmission line owned and operated by Northern Natural Gas Company? 2) If so, which entity, NorthWestern Corporation dba NorthWestern Energy or Northern Natural Gas Company, if either, is a public utility as defined by SDCL Chapter 49 with respect to these farm tap customers? 3) Finally, are the farm taps in whole or in part subject to state jurisdiction for the purpose of pipeline safety pursuant to SDCL Chapter 49-34B? The Commission conducted oral arguments on December 14, 2016. On December 22, 2016, Northern Natural Gas Company filed a Motion to Reopen the Record, Take Judicial Notice and Correct the Record. On December 30, 2016, Staff filed a Motion for Judicial Notice.

TODAY, how shall the Commission rule on any pending motions? AND, how shall the Commission rule on the declaratory ruling? OR, how shall the Commission proceed?

### **Telecommunications**

#### **1. TC16-067 In the Matter of the Application of Consolidated Communications Enterprise Services, Inc. for a Certificate of Authority to Provide Local Exchange and Interexchange Long Distance Services in South Dakota and the Transfer of Crystal Communications, Inc. and Enventis Telecom, Inc.'s Certificates of Authority to Consolidated Communications Enterprise Services, Inc. (Staff Analyst: Joseph Rezac; Staff Attorney: Amanda Reiss)**

On December 8, 2016, the Commission received a filing from Consolidated Communications Enterprise Services, Inc. (CCES) requesting a Certificate of Authority to provide local exchange and interexchange long distance services in South Dakota. This application comes as a part of a series of intra-company transactions that will simplify the corporate structure of Applicants' ultimate parent company. Crystal Communications, Inc. (Crystal) and Enventis Telecom, Inc. (Enventis) will be consolidated into CCES with CCES being the surviving member. On January 6, 2017, CCES responded to staff's data requests.

TODAY, shall the Commission approve the transfer of the Certificate of Authority of Enventis to CCES?

### **Items for Commission Discussion**

#### **Announcements**

1. The PUC offices will be closed Monday, January 16, 2017, in observance of Martin Luther King, Jr. Day.
2. Commissioners and staff will host a briefing for legislators on Tuesday, January 17, 2017, at 4:00 p.m. CST in Room 414 at the State Capitol Building, Pierre, S.D. The agenda is to discuss the Dakota Access Pipeline, farm taps for natural gas service, renewable energy development, and current issues related to telecommunications, grain warehouses, pipeline safety and energy regulation.
3. Commissioners and staff will meet with representatives of the South Dakota Rural Electric Association on Wednesday, January 25, 2017, at 1:30 p.m. CST in the Department of Transportation Board Room, Becker Hansen Building, 700 E. Broadway Avenue, Pierre, S.D. The agenda is to discuss an industry update.

4. The PUC will host an open house for legislators Thursday, January 26, 2017, 7:30-11:00 a.m. CST in the PUC office, first floor of the State Capitol Building, Pierre, S.D.
5. The next regularly scheduled commission meeting will be Friday, January 27, 2017, at 10:00 a.m. CST in Room 413 at the State Capitol, Pierre, S.D.
6. Commission meetings are scheduled for February 10 and 28, 2017.

/s/Cindy Kemnitz \_\_\_\_\_  
Cindy Kemnitz  
Finance Manager  
[PUC Email](#)  
January 10, 2017