

South Dakota Public Utilities Commission Meeting  
December 4, 2012, at 9:30 A.M. CST  
Room 414, 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, December 3, 2012. 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

## Administration

1. Approval of the Minutes of the Commission Meeting Held on November 20, 2012 (Staff: Joy Irving)

## Consumer Reports

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

## Grain

1. GW12-002 In the Matter of the Grain Dealer's Bond of Anderson Seed Co., Inc. (Staff Analyst: Jim Mehlhaff, Staff Attorney: Kristen Edwards)

On April 5, 2012, as a result of the Commission's April 4, 2012, Order, Commission Staff (Staff) filed a Petition for Receivership, a proposed Order, Notice of Hearing, and a Certificate of Service with the Spink County Clerk of Court. The documents were also served on parties and on known Anderson Seed Co. Inc. patrons. On May 1, 2012, the Fifth Circuit Court issued an Order Appointing the South Dakota Public Utilities Commission as receiver over the proceeds of the grain buyer bond of Anderson Seed Co., Inc. in Redfield. On June 6, 2012, the Commission approved the procedures to be followed

in administering the claims and determining entitlement to bond proceeds. On June 29, 2012, a letter and proof of claim form was sent to all known patrons of Anderson Seed Co. Inc. via certified mail with a claim filing deadline of September 18, 2012. On July 9, 2012, the Commission received a proof of claim form from Jason Nagel for grain that was jointly owned by Jason Nagel and Gary Nagel. On September 20, 2012, the Commission received a proof of claim form from Alan and Cindy Biegler with a September 19, 2012, post mark on the envelope. On October 9, 2012, Staff sent letters to each Anderson patron who filed a proof of claim form setting forth Staff's analysis and recommendations regarding the claim. On October 24, 2012, the Commission received an email from Cindy and Alan Biegler requesting that their late-filed claim be accepted in the bond proceeds distribution process. On November 14, 2012, the Commission received an affidavit from Gary Nagel assigning his portion of the claim to Jason Nagel. On November 14, 2012, the Commission received a request for hearing on Staff's recommended denial of claim from Ray Martinmaas on behalf of Martinmaas Dairy Inc.

*TODAY, shall the Commission approve the request of Cindy and Alan Biegler to have their late-filed claim included in the bond proceeds distribution process? AND, shall the Commission recognize the assignment of claim from Gary Nagel and allow Jason Nagel to claim the full amount on his proof of claim form?*

### **Telecommunications**

1. **TC12-133 In the Matter of the Petition of Midstate Telecom for Approval of its Cost Based Switched Access Rates and for a Phase-In (Staff Analyst: Patrick Steffensen, Staff Attorney: Karen Cremer)**

On September 10, 2012, Midstate Telecom, Inc. (Midstate) filed a petition for approval of its new intrastate switched access rates. Per ARSD 20:10:27:02.02, Midstate requested the Commission approve a higher rate than allowed under ARSD 20:10:27:02.01 and filed a cost study in support of the higher rate. Midstate also requested a phase-in period in which their current rate would be approved until March 10, 2013, after which the requested rate would go into effect. On September 28, 2012, AT&T Communications of the Midwest, Inc. filed a Petition for Intervention. On October 23, 2012, the Commission granted intervention to AT&T, gave the Executive Director authority to enter into necessary consulting contracts, and assessed Midstate a filing fee of \$100,000 with an initial deposit of \$1,000. On October 24, 2012, staff filed a Motion to Dismiss or, in the Alternative, Issue an Order to Comply and an accompanying memorandum in support of its motion. On November 15, 2012, Midstate filed Response to the Motion to Dismiss and Request for a Waiver of ARSD 20:10:28:14.

*TODAY, shall the Commission grant Staff's Motion to Dismiss or in the Alternative, Issue an Order to Comply? OR shall the Commission grant Midstate's request for a Waiver of ARSD 20:10:28:14?*

2. **TC12-184 In the Matter of the Application of Common Point LLC for a Certificate of Authority to Provide Local Exchange Services in South Dakota (Staff Analyst: Dave Jacobson, Staff Attorney: Kristen Edwards)**

On October 31, 2012, the Commission received an Application for Approval of a Certificate of Authority of Common Point LLC (Common Point) to provide Tandem Access and Switched Access Local Exchange Telecommunications Services in South Dakota. The applicant states it will not provide

dial tone to end user customers. On November 16, 2012, SDTA and SDN filed a Petition to Intervene with the Commission.

*TODAY, shall the Commission grant intervention to any parties that have filed?*

3. **TC12-185 In the Matter of the Filing by Common Point LLC for Approval of its Access Services Tariff No. 1 (Staff Analyst: Dave Jacobson, Staff Attorney: Kristen Edwards)**

On October 31, 2012, the Commission received a filing by Common Point LLC (Common Point) for approval of its Access Services Tariff No. 1. This tariff applies to Access Services furnished by Common Point between one or more points within South Dakota. On November 16, 2012, AT&T Corp. filed a Petition to Intervene and Request to Suspend the Tariff and Investigate.

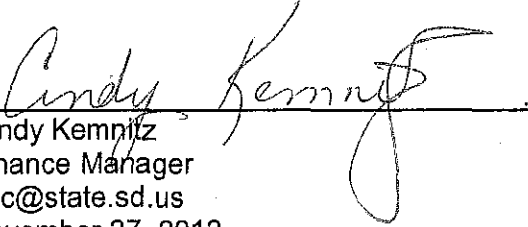
*TODAY, shall the Commission grant intervention to AT&T?*

### **Items for Commission Discussion**

#### **Announcements**

1. Commissioners and staff will host a briefing for legislators on Monday, December 3, 2012, at 7 p.m. CST in Room 413 at the State Capitol Building, Pierre, S.D. The agenda is to discuss grain buyer legislation, wind energy, telecommunications, pipeline siting and energy regulation, including new EPA rules.
2. A hearing in Docket EL11-006 will be held beginning at 9 a.m. CST on December 5, 2012, and continuing at 8 a.m. CST December 6, 2012, in Room 413 at the State Capitol Building, Pierre, S.D.
3. Commissioners and staff will meet with representatives of the South Dakota Electric Utility Companies on Thursday, December 6, 2012, at Noon CST at the Associated General Contractors meeting room, Pierre, S.D. The agenda is to discuss company updates.
4. Commissioners and staff will attend the South Dakota Telecommunications Association/Public Utilities Commission biannual forum December 10-11, 2012, at the Sheraton Sioux Falls Hotel and Conference Center, Sioux Falls, S.D.
5. A hearing in Docket EL12-046 will be held beginning at 9 a.m. on December 13, 2012, and continuing at 9 a.m. on December 14, 2012, in Room 413 at the State Capitol Building, Pierre, S.D.
6. The next regularly scheduled commission meeting will be Tuesday, December 18, 2012, at 9:30 a.m. CST in Room 413 at the State Capitol Building, Pierre, S.D.
7. Commissioners and staff will meet with representatives of NorthWestern Energy on Wednesday, Dec. 19, 2012, at 9:30 a.m. CST in Room 413 at the State Capitol Building in Pierre, S.D. The agenda is to discuss the company's finance department overview, wholesale operations, South Dakota operations and customer care.

8. The PUC offices will be closed Monday, December 24 and Tuesday, December 25, 2012, in observance of Christmas.
9. The PUC offices will be closed Tuesday, January 1, 2013, in observance of New Year's Day.
10. Commission meetings are scheduled for January 2 and 15, 2013.

  
Cindy Kemnitz  
Finance Manager  
puc@state.sd.us  
November 27, 2012