

South Dakota Public Utilities Commission
Minutes of Public Hearing to Adopt Rules

The Public Utilities Commission convened at 1:30 p.m. CST on Wednesday, February 7, 2024, in the Library Commons, MacKay Building, 800 Governors Drive, Pierre, South Dakota, to consider the amendment of the proposed rules 20:10:01:12, 20:10:01:17.02, 20:10:12:15, 20:10:26:04, 20:10:26:06, 20:10:32:52, 20:10:37:10, 20:10:37:17, 20:10:37:18, and 20:10:37:19.

Members of the Commission in Attendance: Commissioners Kristie Fiegen, Gary Hanson, and Chris Nelson. Chairperson Fiegen conducted the hearing.

Commission staff in attendance: Kristen Edwards, Amanda Reiss, Logan Schaeftbauer, Cody Chambliss, Eric Paulson, Paul Kenefick-Aschoff, and Mikayla Frick.

Members of the public in Attendance: None.

Members of the public joining by phone: Jason Keil, Black Hills Power.

Oral Testimony

Cody Chambliss of Commission staff (Staff) testified in support of the suggested amendments filed by Staff in Staff's previously filed written comments.

Jason Keil of Black Hills Power, Inc. dba Black Hills Energy (BHE) spoke in opposition to the proposed changes to 20:10:26:04(6). He stated that BHE's concern with the proposed changes to that subsection is that it will allow the customer to self-certify that the customer meets the exception and may utilize a master meter. No policing could lead to abuse. BHE does not want the onus to policy compliance with the rule. Mr. Keil explained that BHE's main concerns with master metering are the inability for a single customer to qualify for financial assistance and the inability to disconnect a single customer without effecting all customers in an apartment complex in the event of a nonpayment or safety situation. Mr. Keil did not object to any other proposed changes.

Adjournment: 1:39 p.m.

Written Testimony

Prior to the hearing, comments were received from the South Dakota Telecommunications Association, Commission staff, and the South Dakota Agri-Business Association. All written comments were supportive of the proposed rules, although Commission Staff suggest a non-substantive, stylistic edit.

No written comments were received after the hearing.

Final Action – March 12, 2024

Pursuant to SDCL Chapter 1-25, all decisions of the Commission must be made in a public meeting. Therefore, the Commission considered this matter at its regularly scheduled meeting at 9:30 a.m. CDT on March 12, 2024. The meeting was held in Room 413 of the Capitol Building, Pierre, South Dakota, as well as livestreamed online. In addition, members of the public could attend telephonically.

Members of the Commission in attendance: Commissioners Kristie Fiegen, Gary Hanson (joining by phone), and Chris Nelson.

Commission staff in attendance: Kristen Edwards, Amanda Reiss, Logan Schaeftbauer, Cody Chambliss (joining by phone), Eric Paulson, Jon Thurber, Darren Kearney, Deb Gregg, Joseph Rezac, Brittany Mehlhaff, Jennie Fuerst, and Mikayla Frick.

Others in attendance: Darla Pollman Rogers, Kara Semmler, and Bob Mercer.

Members of the public joining by phone¹: Jay Schultz, Jorge Bellas, Gene DeJordy, Al Lubeck, Jeff Symens, Melissa Schmit, Carrie Boecher, Mollie Smith, Jason Keil, Eric Pauli, Ken Meirose, and Chad Kinsley.

Commissioner Nelson moved to adopt all proposed rules as filed with the LRC style and form changes, with the addition of the grammatical edit to 20:10:12:15 suggested by Commission Staff in its comments filed on February 2, 2024.

Commissioner Fiegen moved a substitute motion to adopt all proposed rules as detailed in Commissioner Nelson’s motion, but to remove the strike through the last sentence of the proposed amendment to 20:10:26:04(6). The motion carried 2-1, Commissioner Nelson dissenting.

Meeting adjourned at 10:44 a.m.

Respectfully submitted,



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¹ Note that Final Action occurred at a regularly scheduled commission meeting. No members of the public reserved a phone line specific to this matter.