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THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION OF EL12-061
BLACK HILLS POWER, INC. FOR AUTHORITY
TO INCREASE ITS ELECTRIC RATES

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Transcript of Proceedings
September 17, 2013

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BEFORE THE PUBLIC UTILITIES COMMISSION,
GARY HANSON, CHAIRMAN
CHRIS NELSON, VICE CHAIRMAN
KRISTIE FIEGEN, COMMISSIONER

COMMISSION STAFF
John Smith
Karen Cremer
Kristen Edwards
Greg Rislov
Patrick Steffensen
Brittany Mehlhaff
Sherry Dickerson

APPEARANCES

Lee Magnuson, Black Hills Power
Todd Brink, Black Hills Power
Drew Moratzka, Black Hills Industrial Interveners
Mark Moreno, Black Hills Industrial Interveners

Reported By Cheri McComsey Wittler, RPR, CRR

1 TRANSCRIPT OF PROCEEDINGS, via the internet,
2 held in the above-entitled matter, at the South Dakota
3 State Capitol Building, 500 East Capitol Avenue, Pierre,
4 South Dakota, on the 17th day of September, 2013,
5 commencing at 9:30 a.m.

1 CHAIRMAN HANSON: EL12-061, In the Matter of the
2 Application of Black Hills Power, Incorporated for
3 Authority to Increase its Electric Rates.

4 The questions that are before us today are today
5 shall the Commission grant Black Hills Power and
6 Wal-Mart's Joint Motion For Approval of Settlement
7 Agreement? And shall the Commission grant Black Hills
8 Power and Black Hills Industrial Intervener's Joint
9 Motion For Approval of Settlement Agreement? And shall
10 the Commission grant Staff's and Black Hills Power's
11 Joint Motion For Approval of Settlement Stipulation?

12 This is a Joint Motion between Black Hills Power
13 and Wal-Mart. I'll let Black Hills Power go first.

14 Mr. Magnuson, are you representing BHP?

15 MR. MAGNUSON: Yes, I am. Thank you, Chairman
16 Hanson, Commissioners Nelson, Commissioner Fiegen.

17 If it be okay, I'll give my opening statement
18 with regard to the entire 061 matter, not specifically
19 with regard to Wal-Mart, but, of course, Wal-Mart will be
20 included in that, if that's acceptable.

21 CHAIRMAN HANSON: Thank you.

22 MR. MAGNUSON: Thank you.

23 My name is Lee Magnuson. I represent
24 Black Hills Power, Inc. in this matter. I'm with the
25 Lindquist & Vennum Law Firm in its Sioux Falls office.

1 Also with me today is Todd Brink, the senior counsel for
2 Black Hills Corporation.

3 Black Hills Power filed on December 17, 2012,
4 its application for authority to increase electric rates.
5 Over the last several months Black Hills Power has
6 answered questions of Staff and provided additional
7 information and documents. Black Hills Power was able to
8 work with Staff and resolve the issues in a thorough,
9 professional, and business-like manner.

10 Black Hills Power is here today to request
11 approval of a Settlement Stipulation between Black Hills
12 Power and Staff. That Stipulation and the exhibits are
13 on file herein. Additional documents have been filed by
14 Black Hills Power in this matter, including the
15 Application, exhibits to the Application, and supporting
16 written testimony.

17 We understand that these documents are all part
18 of the record and that there's no need to request that
19 they be admitted into evidence.

20 With me in this hearing room are two witnesses
21 from Black Hills Power. The first is Kyle White, two
22 down from me on my left. Mr. White is Vice President of
23 Regulatory Affairs for Black Hills Corporation.

24 The second person is to my immediate left. His
25 name is Chris Kilpatrick. He's the Director of

1 Regulatory Affairs for Black Hills Corporation. The two
2 of them will be here for the duration of the hearing and
3 will be available to answer any questions that you might
4 have.

5 While I believe that Mr. White and
6 Mr. Kilpatrick will be able to answer any questions that
7 you have, I do have available all or nearly all of the
8 witnesses that prefiled testimony in this matter, and
9 they would be available by telephone.

10 Finally, I would like to note that we do have
11 many Black Hills Power representatives in the hearing
12 room today, and with Chairman Hanson's indulgence, I
13 would like to introduce those people briefly.

14 The first is Wendy Moser, the Vice President of
15 Regulatory Services and Resource Planning for Black Hills
16 Corporation. The second is Vance Crocker, Vice President
17 of Electric Operations. The third is Chuck Loomis, the
18 Vice President for Energy Asset Optimization. We also
19 have Mike Tice, the Director of Utility Strategies for
20 Black Hills Power. We have Amy Koenig, Corporate
21 Counsel, we have Melanie Toney, Rate Analyst, and we have
22 consultant Jill Tietjen of Technically Speaking, Inc. of
23 Denver, Colorado.

24 Two groups of Black Hills Power customers
25 intervened in this matter. The first group consisting of

1 GCC Dacotah, commonly known as the Cement Plant,
2 Rapid City Regional Hospital, Rushmore Forest Products,
3 Spearfish Forest Products, and Pete Lien & Sons
4 intervened and are going to be collectively referred to
5 as the Black Hills Industrial Interveners or the
6 Industrials.

7 Black Hills Power was able to reach a resolution
8 of this matter with the Black Hills Industrial
9 Interveners and that Settlement Agreement is before the
10 Commission today, and Black Hills Power requests approval
11 of that Settlement.

12 Finally, the other Intervener group is Wal-Mart
13 Stores, Inc. and Sam's West, Inc., which I will simply
14 refer to as Wal-Mart. Black Hills Power was able to
15 settle with Wal-Mart, and Black Hills Power requests
16 approval of that Settlement Agreement that is on file in
17 this matter.

18 I do have one note of a change to the documents
19 that have been filed and there may be additional changes
20 but with regard to the Customer Notice that is Exhibit 4
21 to the Stipulation between Staff and Black Hills Power,
22 there needs to be a minor change to that, and I will
23 cover that at the appropriate time.

24 Thank you for the opportunity for Black Hills
25 Power to answer questions in support of these Settlement

1 Agreements that are before the Commission to date, and at
2 the appropriate time I'll make my witnesses available to
3 answer any questions that you might have.

4 CHAIRMAN HANSON: Thank you.

5 Ms. Rhoades with Wal-Mart? Do you have some
6 comments to make? You may be on mute right now. We're
7 not hearing you.

8 MS. RHOADES: My apologies. I was indeed on
9 mute. I have no additional comments to make.

10 CHAIRMAN HANSON: Thank you. Are there any
11 other -- I don't believe -- oh, let's see. Black Hills
12 Industrial, Wal-Mart. I'm just looking to see if there's
13 anyone else that needs to or is compelled to speak at
14 this moment.

15 Oh, there. Thank you.

16 MR. MORATZKA: Chairman Hanson, Commissioners, I
17 am here today representing the Black Hills Industrial
18 Interveners. I'm an attorney at Stoel Rives in our
19 Minneapolis office, and I'm happy at this time to make a
20 few points in support of the settlement if that is what
21 the Commission desires.

22 CHAIRMAN HANSON: Please.

23 MR. MORATZKA: Black Hills Industrial
24 Interveners compete in the global marketplace. Even a
25 relatively small change in input costs can significantly

1 impact operations.

2 One particularly sensitive input cost is the
3 cost of energy. As a result, the Industrials have
4 intervened in every major Black Hills Power proceeding
5 since the early 1990s. This case was no exception.

6 The Industrials have been active in the Rate
7 Case Docket, the Phase In Docket, and there is also
8 proceeding which we call the Generation Pool Study.
9 We've been monitoring these proceedings and participating
10 as best as we can.

11 During the discovery phase of the rate case and
12 the phase-in plan we conducted extensive questioning,
13 submitting numerous Interrogatories exceeding 150 that
14 resulted in voluminous evidence.

15 We participated in group negotiations with
16 Commission Staff and other stakeholders and also
17 participated in meetings with Black Hills Power
18 individually.

19 After considering the risks and costs inherent
20 in any litigation, the Industrials and Black Hills Power
21 reached the global Settlement that is before you today.
22 It covers both the rate case and the phase in.

23 We firmly believe that the terms result in just
24 and reasonable rates for our members and that the
25 resolution is supported by the parties' extensive and

1 detailed analysis.

2 We appreciate the Commission treating our
3 resolution as confidential and recognizing that making
4 our rates public could expose the Industrials to unfair
5 competitive risk.

6 We are happy to answer any general questions the
7 Commission may have regarding our Settlement and at this
8 time have no further remarks.

9 CHAIRMAN HANSON: Thank you.

10 Do I pronounce your last name properly if I say
11 Moratzka?

12 MR. MORATZKA: Mr. Chairman, yes, you do.

13 CHAIRMAN HANSON: Thank you.

14 MR. MORATZKA: And I did forget to note that
15 Mr. Mark Moreno is on my right as local counsel.

16 CHAIRMAN HANSON: Appreciate that. Thank you
17 much.

18 We'll turn to Staff. We have a number of Staff
19 members who have worked on this item.

20 Ms. Cremer.

21 MS. CREMER: Thank you. This is Karen Cremer of
22 Staff.

23 As noted by the other attorneys, the
24 Settlement Stipulation reflects the efforts of many
25 individuals. The parties worked through the issues and

1 ultimately reached a result that's acceptable to
2 Black Hills and Staff.

3 Staff believes we have reached an appropriate
4 balance of all the various parties' interests.

5 Staff analysts are present. Dave Peterson and
6 Basil Copeland are on the phone and available for
7 questions for the rate case.

8 Staff recommends the Commission grant the
9 Joint Motion For Approval of the Settlement Stipulation
10 and adopt the attached Stipulation without modification
11 for resolution of all the issues subject to the rate case
12 proceeding for Docket EL12-061.

13 Thank you.

14 CHAIRMAN HANSON: Thank you.

15 Before we go to questions from the
16 Commissioners, I believe that's everyone to speak on this
17 item at this juncture.

18 Mr. Magnuson, you alluded to an item on
19 Exhibit 4?

20 MR. MAGNUSON: That's correct. That is
21 Exhibit 4 to the Settlement Stipulation. It is the
22 Customer Notice.

23 In the second paragraph, second line we would
24 delete the words "the Commission approved the
25 implementation of" and would insert "Black Hills Power

1 implemented" and then go on with interim rates effective
2 June 16, 2013. And we apologize for that error.

3 CHAIRMAN HANSON: Thank you. I think probably
4 each one of the Commissioners had that as a note on a
5 question to ask. Appreciate that. And our counsel did
6 discuss that with us as well.

7 Just a caution as much to myself as anyone else.
8 We have a lot of confidential items that are on these
9 agreements so we need to be careful, a little bit
10 cautious on our questioning. I have a habit of getting
11 into those by accident. So if I do, I'll appreciate it
12 if everyone clears their voice and their throat at the
13 same time and let's me know.

14 I have a number of questions. But I think my
15 other Commissioners do as well, and I'll turn to
16 Commissioners to see if either one of them wants to
17 begin.

18 COMMISSIONER FIEGEN: Are we taking Wal-Mart
19 first?

20 CHAIRMAN HANSON: I think that's appropriate.
21 But some of the questions certainly would be --

22 COMMISSIONER FIEGEN: Because my questions are
23 more on the rate case and not the Interveners.

24 CHAIRMAN HANSON: All right. Questions by
25 Commissioners.

1 Commissioner Nelson.

2 COMMISSIONER NELSON: I have only one question
3 on this Docket, and it relates to a confidential portion
4 of the Industrial Interveners' Settlement so however you
5 want to handle that.

6 CHAIRMAN HANSON: We can certainly go to
7 confidential. We will need to check the phone lines. Do
8 we know the number of -- we should only have two, four,
9 six -- excuse me. Mr. Moratzka is here so I believe we
10 should only have five people on the line.

11 MR. SMITH: Mr. Chairman, three of those people
12 are Staff people. And are we on Black Hills Industrial
13 Interveners right now, Commissioners Nelson?

14 COMMISSIONER NELSON: Correct.

15 MR. SMITH: You guys are going to have to answer
16 this. And I'm assuming I know the answer, but please
17 enlighten us.

18 I'm assuming Wal-Mart is not necessarily privy
19 to the BHII Settlement specifics; is that correct?

20 MR. MAGNUSON: That's correct. That's correct.

21 MR. SMITH: So I guess we're going to have to
22 have Ms. Rhoades get off the phone here. And who?

23 MS. CREMER: And then come back on. Make sure
24 she knows.

25 MR. SMITH: Yeah. And then come back on.

1 CHAIRMAN HANSON: If you're listening on the
2 web, Ms. Rhoades, we will turn the web on and off, and
3 that will be your clue to call in at that time.

4 MS. RHOADES: Okay. That is no problem. I will
5 jump off actually right now.

6 CHAIRMAN HANSON: Thank you.

7 MS. RHOADES: Thank you.

8 CHAIRMAN HANSON: We'll wait for Sherry to let
9 us know on the number of phone lines.

10 (Pause)

11 (Beginning of confidential portion or the transcript.)

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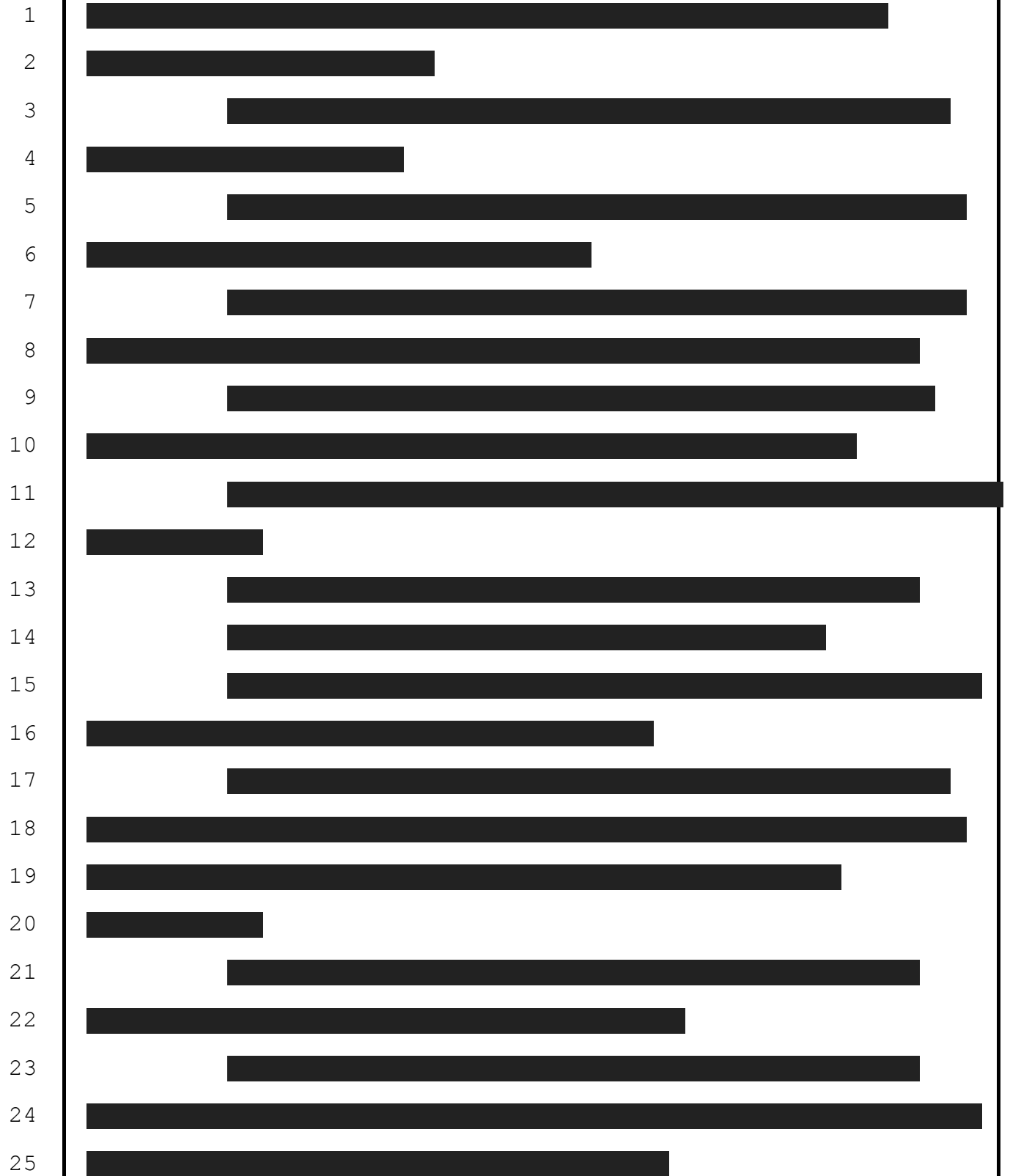
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1 CHAIRMAN HANSON: If you are listening,
2 Ms. Rhoades, please join us.

3 Do you have questions on this, Commissioner
4 Fiegen?

5 COMMISSIONER FIEGEN: I just wanted to know if
6 we're going to take the vote on the Interveners and then
7 go to the next item or we're going to hold them all until
8 the end?

9 CHAIRMAN HANSON: We'll take them individually.
10 The first question will be on Black Hills Power and
11 Wal-Mart and then we'll take Black Hills Power and Black
12 Hills Industrial Interveners and then we'll entertain the
13 question on the Commission granting Staff and Black Hills
14 Power's Joint Motion For Approval of Settlement
15 Stipulation.

16 COMMISSIONER FIEGEN: So are you ready for your
17 first Motion?

18 COMMISSIONER NELSON: If I could just ask a
19 question of clarification, Mr. Chairman.

20 CHAIRMAN HANSON: Please.

21 COMMISSIONER NELSON: Because the Interveners
22 have offered a Joint Settlement that applies to both
23 dockets, will the question that we're going to be asked
24 in this Docket only apply to that portion of their
25 Settlement that applies to this Docket?

1 CHAIRMAN HANSON: That's correct.

2 COMMISSIONER NELSON: Thank you.

3 CHAIRMAN HANSON: We're taking one Docket at a
4 time. And before we go to a Motion, I'm just
5 entertaining any questions at this juncture, if anyone
6 has any questions.

7 If not, there is a question that has been -- to
8 an extent it was discussed in confidential, but the --
9 received some letters from folks regarding why we need
10 confidentiality, and that was explained to an extent but
11 I'd like to just have it on the record of why, just
12 answering the public's question as to why we have some
13 confidential portions of these agreements. It's an
14 obvious question and an obvious answer, but I think it
15 needs to be part of the record.

16 MR. KILPATRICK: Sure. Just given the
17 competitive nature that the Industrial Interveners
18 operate in, having that information out there could
19 impact them as they compete in the global markets, as
20 stated by their counsel.

21 CHAIRMAN HANSON: Thank you.

22 And so parties that have -- don't let me put
23 words in your mouth. I just want to expand a little bit
24 for the public.

25 So those companies that are reaching agreements

1 with Black Hills Power do not necessarily want other
2 companies to know what agreement they reached with you
3 since they're a private company? Is that accurate?

4 MR. KILPATRICK: Yes, it is.

5 CHAIRMAN HANSON: All right. Thank you. Just
6 trying to simplify it a bit.

7 Are there any other questions at this time on
8 this Docket on the question shall the Commission grant
9 Black Hills Power and Wal-Mart's Joint Motion For
10 Approval of Settlement Agreement?

11 If there's no further questions, I will
12 entertain a Motion.

13 COMMISSIONER FIEGEN: Mr. Chairman, move that
14 the Commission grant BHP, Black Hills Power, and Wal-Mart
15 Joint Motion For Approval Of Settlement Agreement.

16 And if I can go forward with that, any time you
17 have an Intervener and confidentiality as you know, it
18 raises a red flag. And what I want our taxpayers and our
19 consumers and our rate payers to know is that Black Hills
20 Power has put all of that extra expense and operation
21 expense or lost revenue into their shareholders' profit
22 or revenue, and they're paying for it, not the rate
23 payers or not our consumers or not our residential
24 homeowners.

25 So I appreciate that. And it's kind of like an

1 economic development gesture in the Black Hills.
2 Black Hills Corp is very much of an economic development
3 player with vision and et cetera in the Black Hills, and
4 I appreciate that. But I mostly appreciate it that it's
5 not affecting the consumer and the homeowner that has
6 raising costs, and thank you for having the shareholders
7 pay for that.

8 CHAIRMAN HANSON: Thank you.

9 Any further discussion on the Motion?

10 Hearing none, Commissioner Nelson.

11 COMMISSIONER NELSON: Aye.

12 CHAIRMAN HANSON: Commissioner Fiegen.

13 COMMISSIONER FIEGEN: Fiegen votes aye.

14 CHAIRMAN HANSON: Hanson votes aye.

15 The Motion carries.

16 The question before the Commission is shall the
17 Commission grant Black Hills Power and Black Hills
18 Industrial Interveners' Joint Motion For Approval of the
19 Settlement Agreement?

20 Mr. Magnuson, do you have anything further to
21 state on this?

22 MR. MAGNUSON: I have nothing further at this
23 time, just to offer up the two witnesses, Mr. White and
24 Mr. Kilpatrick, in the event that there are additional
25 questions.

1 CHAIRMAN HANSON: Mr. Falkenberg, you have the
2 stage.

3 MR. FALKENBERG: Yes.

4 MR. MORATZKA: Chairman Hanson.

5 CHAIRMAN HANSON: Oh, Drew --

6 MR. MORATZKA: Perhaps I didn't make it clear
7 during my introductions. Mr. Falkenberg is a consultant
8 on behalf of the Industrial Interveners, and I am the
9 counsel.

10 If there are any technical questions, I'm happy
11 to make Mr. Falkenberg available for those questions and
12 swear him in, similar to Mr. Kilpatrick or Mr. White.

13 CHAIRMAN HANSON: Well, then my apologies to
14 startling Mr. Falkenberg.

15 Do you have anything at this time?

16 MR. MORATZKA: Nothing more, Mr. Chairman.

17 CHAIRMAN HANSON: Thank you. And I'll turn to
18 Staff.

19 MS. CREMER: Staff takes no position on this.

20 CHAIRMAN HANSON: All right. Thank you. Then
21 questions by Commissioners?

22 I just have one that I failed to ask at the --
23 on the last item, and it too is the result of questions
24 that in spite of -- maybe because of media. But a lot of
25 people have asked about would any of these agreements

1 with individual companies result in a subsidiary to those
2 companies? Which, of course, would turn around and make
3 the other rate payers have to pay more for it.

4 MR. KILPATRICK: Yeah. There's nothing in the
5 Settlement with the Industrial Interveners that are
6 impacting the other customers. The Settlement is just
7 alone with those Industrials themselves and any
8 differences are picked up by the shareholders and the
9 rest of the customers are held harmless basically.

10 CHAIRMAN HANSON: Thank you very much.

11 And any further questions from the
12 Commissioners?

13 If not, is there a Motion?

14 COMMISSIONER NELSON: I will move in EL12-061
15 that the Commission grant BHP and Black Hills Industrial
16 Interveners' Joint Motion For Approval of the Settlement
17 Agreement portion that applies to this Docket only.

18 CHAIRMAN HANSON: Thank you.

19 Discussion on that Motion?

20 Hearing none, Commissioner Nelson.

21 COMMISSIONER NELSON: Aye.

22 CHAIRMAN HANSON: Commissioner Fiegen.

23 COMMISSIONER FIEGEN: Fiegen votes aye.

24 CHAIRMAN HANSON: Hanson votes aye.

25 The Motion carries.

1 The question before the Commission is shall the
2 Commission grant Staff's and Black Hills Power's Joint
3 Motion For Approval of Settlement Stipulation?

4 Mr. Magnuson.

5 MR. MAGNUSON: We have nothing further at this
6 time.

7 CHAIRMAN HANSON: Mr. Moratzka.

8 MR. MORATZKA: Nothing, Mr. Chair.

9 CHAIRMAN HANSON: Staff.

10 MS. CREMER: Thank you. Staff would just
11 reiterate that we would recommend approval of the
12 Joint Motion without modification.

13 Thank you.

14 CHAIRMAN HANSON: Thank you.

15 And questions by the Commissioners?

16 If not, is there a Motion?

17 COMMISSIONER FIEGEN: For Black Hills Power and
18 the Staff -- and I guess I'm going to start with Staff,
19 and then Black Hills Power can help you.

20 Incentive compensation and executive
21 compensation is always a topic on rate cases. I see that
22 the Staff worked very hard on taking the incentive
23 compensation out of the Settlement that dealt with
24 financial goals. And I certainly appreciate that because
25 that certainly is a shareholder cost, not a rate payer

1 cost.

2 Did you see an evaluation from Black Hills Power
3 on their executive pay, and did they evaluate it to
4 industry standards, and did you review that?

5 MS. MEHLHAFF: Dave Peterson, would you care to
6 comment on that?

7 MR. PETERSON: We did not perform -- this is
8 Dave Peterson, consultant for Commission Staff.

9 We did not perform a thorough comparison with
10 other executives, but we did look at their compensation
11 and compensation of executives in the region and, yeah,
12 their support for their executive compensation, yes.

13 COMMISSIONER FIEGEN: So then I'm looking at
14 Black Hills Power and Black Hills Corp.

15 What do you do for evaluation to make sure that
16 rate payers aren't paying some out-of-the-industry
17 standard for compensation?

18 MR. KILPATRICK: Sure. We do industry analysis.
19 We do locational analysis as well, given that we're in
20 the Midwest. So we focused more on that area when we do
21 our studies and surveys.

22 And we are basically right at the midpoint of
23 our market or actually a little bit lower as it looks at
24 those salaries. So we definitely do those studies to
25 ensure we're not out of bounds from anybody in our

1 region.

2 COMMISSIONER FIEGEN: And keep on going on
3 benefits and pension. It looks like there's a 401(k) too
4 that you guys must contribute to, not just the person
5 but -- and then retirement benefits.

6 As you know, in the news there's lots of
7 Fortune 500 companies that are relooking at retirement
8 benefits dealing with medical and looking at if there
9 should be a one sum or whatever.

10 Are you continuing to analyze all of that to
11 make sure that we're within standards and not paying
12 exorbitant amounts by rate payers?

13 MR. KILPATRICK: Yeah. We're constantly
14 evaluating our benefit packages, looking at them in
15 total, whether it's 401(k), whether it's pension, whether
16 it's medical benefits.

17 I think the industry as a whole is experiencing
18 or going to be experiencing a significant retirement over
19 the next five years. And so we're all looking at ways to
20 either find ways to retain those employees longer by
21 offering different incentives, maybe different medical
22 coverages.

23 But we are always going to be competing for
24 employees, especially going forward. So we are looking
25 at market studies, making sure our compensation package

1 is competitive in the marketplace, especially in our
2 region. So it is a total package between the 401(k)
3 match and health benefits.

4 COMMISSIONER FIEGEN: And I certainly want it
5 competitive so we have great employees that run a
6 reliable electric company. I don't want it exorbitant
7 that it's a huge expense and different from any other
8 industry.

9 So are you looking to make sure we're kind of at
10 the midlevel? Who does that study for you?

11 MR. KILPATRICK: Sure. We have consultants that
12 do studies for us to look at, again, the industry as a
13 whole. And when we look at the marketplace and compare
14 our salaries to our region and our area, we're actually
15 below the average. We're a little bit below when we take
16 that as a whole.

17 And the portion of how we try to stay
18 competitive is by our incentive plans, and that helps
19 make up some of that difference so we can attract and
20 retain our employees. But in general we are right at
21 market or a little bit lower.

22 COMMISSIONER FIEGEN: One more question,
23 Mr. Chairman.

24 It appears to me that the Staff really worked
25 hard on the blended ratio of how you allocate expenses to

1 your different companies. Actually, it appears to me
2 that the Staff asked you to reallocate some expenses to
3 Black Hills Corp from Black Hills Power.

4 Can you explain to the Commission how you
5 allocate and how you do that and how you look at it in
6 the future?

7 Because we want to make sure that the rate
8 payers at Black Hills Power pay their share but not
9 anything over that.

10 MR. KILPATRICK: Sure. We have what's called a
11 Cost Allocation Manual that outlines how we make our
12 charges to our different utilities. And every
13 department within that Cost Allocation Manual has
14 allocation factors that try to allocate costs based on
15 what causes the cost.

16 One example is our Human Resource Department.
17 We try to allocate those costs based on number of
18 employees at the different locations because we feel
19 that's a different way to allocate those costs.

20 And so we are, you know, constantly looking at
21 that to make sure that we have the accurate allocations
22 to those different utilities. And before they're
23 allocated we have an ability to directly charge our
24 companies as well.

25 So if a specific employee is working on a

1 specific company, they will directly charge that cost to
2 them. So we have specific identification first for those
3 costs. And those that then can't be specifically
4 identified are allocated out.

5 We did work with Staff on that and made some
6 tweaks to it, and we are going to continue to look
7 forward to, again, ensure that as those costs are caused,
8 you know, we're going to push those out to the
9 appropriate utilities that utilize those costs.

10 COMMISSIONER FIEGEN: Thank you.

11 I'm sorry. I do have one more question.

12 I certainly appreciate the class of cost of
13 study and you how you looked at different classes, and
14 you hired somebody to do that cost of service according
15 to classes. And we certainly appreciate that, and it's
16 certainly a benefit to our homeowners and residential
17 letting group.

18 How often do you do that, and how often do you
19 plan to kind of look at that cost of service according to
20 class?

21 MR. KILPATRICK: Sure. It's going to be more
22 important going forward as we get better information of
23 our customers. We've installed our AMI meters or
24 automated meter information system. So we'll continually
25 look at that going forward and try to allocate the costs

1 as best we can to the class of customers that are causing
2 those costs.

3 Certainly it's going to be -- you know, guides
4 can't do everything all at once. And we subscribe to
5 kind of the gradualism concept. You want to gradually
6 get there and try to continually move cost to the
7 appropriate class of customer. And we think this case
8 made a step in that right direction, and we hope to
9 continue to do that going forward.

10 COMMISSIONER FIEGEN: Thank you.

11 Thank you, Chairman.

12 CHAIRMAN HANSON: Thank you.

13 Any further questions?

14 If not, is there a Motion?

15 COMMISSIONER NELSON: Mr. Chairman, I will move
16 in EL12-061 that the Commission grant Staff's and Black
17 Hills Power's Joint Motion For Approval of Settlement
18 Stipulation.

19 CHAIRMAN HANSON: Thank you.

20 Discussion on the Motion?

21 COMMISSIONER NELSON: You know, I would simply
22 say that after having spent the time that I have, and I
23 know my fellow Commissioners have, in reviewing all of
24 the documentation that was submitted as a part of this
25 Docket, it was apparent to me that both sides were very

1 serious as they sat down in making sure that we arrived
2 at the right number.

3 And, you know, roughly a third of what
4 Black Hills Power had requested has not been granted in
5 this Settlement. And I give great credit to our Staff
6 for very carefully going through the requests and finding
7 those things that ought not be allowed by law and for the
8 company being willing to say, yeah, that doesn't need to
9 be there this time.

10 And so with that, I think both sides have worked
11 very hard to come up with an appropriate Settlement, as
12 provided by law. And I think that's important to
13 understand, that this is all guided by the parameters of
14 state law as both sides work this through.

15 And so with that, Mr. Chairman, I've made the
16 Motion and intend to support it.

17 CHAIRMAN HANSON: Thank you.

18 Any further discussion on the Motion?

19 Hearing none, Commissioner --

20 COMMISSIONER FIEGEN: Mr. Chairman.

21 CHAIRMAN HANSON: Go ahead.

22 COMMISSIONER FIEGEN: I just want to also say
23 thank you to the Staff for working really hard for rate
24 payers and consumers. It is very evident.

25 And, Black Hills Power, you too have really

1 looked at the consumers this time, I believe, and really
2 put them at the forefront by doing your cost of service
3 study to classes.

4 It is a 5.7 percent increase to them but
5 43 percent less than you asked for when you filed your
6 Docket in December. And that's around, I think, a
7 1.2 percent increase annually the last three years since
8 your last rate case.

9 It's about reliable service, and reliable
10 service costs money. And a lot of people think this is
11 all about the EPA and closing down the coal fire and
12 building a new gas fire plant, but that's not really the
13 case.

14 The gas generation will be another docket. That
15 will be another day. This rate case has all to do with
16 closing down -- the cost of closing down the three coal
17 fire power plants. Not the replacement of them, but the
18 cost of closing it down.

19 Also I think our consumers need to know that
20 this is a vegetation management issue in the Black Hills
21 and pine -- somebody asked me last week about the Pine
22 Beetle and why that cost would affect rates. And I
23 said because it's all about reliable service. And if we
24 have a fire in the Black Hills, we need reliable
25 service.

1 And vegetation management has increased because
2 of the Pine Beetle. And that's a lot to do with this
3 rate case. And also all the adjustments that you and
4 Staff made on the test year, of course, and Staff worked
5 really hard for consumers. So I appreciate both of you
6 working hard.

7 I believe our homeowners have certainly been
8 taken care of in a very prudent way, and we're trying to
9 keep reliable, reasonable service at that level,
10 including the business people and Industrials.

11 But thank you for your hard work. We appreciate
12 it. We know it's taken hours and hours and hours, and
13 we've only spent 35 minutes on this hearing so we
14 certainly appreciate all the thousands of hours actually
15 that have been spent on this Docket.

16 CHAIRMAN HANSON: Thank you. Very appropriate
17 remarks.

18 Hearing no further discussion on the Motion,
19 Commissioner Nelson.

20 COMMISSIONER NELSON: Aye.

21 CHAIRMAN HANSON: Commissioner Fiegen.

22 COMMISSIONER FIEGEN: Fiegen votes aye.

23 CHAIRMAN HANSON: Hanson votes aye.

24 The Motion carries.

25

1 STATE OF SOUTH DAKOTA)

2 :SS

CERTIFICATE

3 COUNTY OF SULLY)

4

5 I, CHERI MCCOMSEY WITTLER, a Registered
6 Professional Reporter, Certified Realtime Reporter and
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed
9 shorthand reporter, I took in shorthand the proceedings
10 had in the above-entitled matter on the 17th day of
11 September, 2013, and that the attached is a true and
12 correct transcription of the proceedings so taken.

13 Dated at Onida, South Dakota this 26th day
14 of September, 2013.

15

16

17

18

Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter
Certified Realtime Reporter

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