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### South Dakota Public Utilities Commission Meeting

August 6, 2014, at 2:00 P.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 Tuesday, August 5, 2014. 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 July 22, 2014 (Staff: Joy Lashley)**

#### Consumer Reports

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

#### Electric

1. **EL13-028 In the Matter of the Application of Montana-Dakota Utilities Co. and Otter Tail Power Company for a Permit to Construct the Big Stone South to Ellendale 345 kV Transmission Line (Staff Analysts: Brian Rounds, Darren Kearney; Staff Attorney: Karen Cremer)**

On August 23, 2013, Montana-Dakota Utilities Co., a division of MDU Resources, and Otter Tail Power Company filed an application for a permit to construct a 345 kV transmission line of approximately 150 to 160 miles in Brown, Day, and Grant counties to the Big Stone South Substation in Grant County, South Dakota, near Big Stone City. On October 18, 2013, an Application for Party Status was filed by Gerald Pesall. On November 6, 2013, the Commission issued an Order Granting Intervention and Party Status to Gerald Pesall. On January 27, 2014, Applicants filed a First Amendment to Application (Amendment). Due to Applicants having made some route changes in certain areas of the Project which resulted in some additional landowners coming within the half-mile Project corridor, Applicants served notice on such landowners and the Commission held an additional public input hearing on May 20, 2014, at Aberdeen, S.D. An intervention deadline of April 16, 2014, was set. On April 14, 2014, Applications for Party Status were filed by James R. McKane III, Clark T. Olson, Schuring Farms, Inc., Bradley R. Morehouse, and Kevin Andersen. On May 1, 2014, the Commission issued an Order Granting Intervention and Party Status to James R. McKane III, Clark T. Olson, Schuring Farms, Inc., Bradley R. Morehouse,

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and Kevin Andersen. On June 9, 2014, a Joint Motion for Approval of Settlement Stipulation and Settlement Stipulation was filed by Applicants and staff. On June 10 and June 11, 2014, the evidentiary hearing was held as scheduled. On June 20, 2014, an Amended Settlement Stipulation between Applicants and staff was filed, and Schuring Farms filed certain documents pertaining to its crop insurance policy. On June 26, 2014, Schuring Farms filed additional crop insurance policy provisions. On June 27, 2014, Gerald Pesall filed his crop insurance policy provisions. On July 11, 2014, Schuring Farms filed its RCIS-MPCI Policy Review/Change Form and Common Crop Insurance Policy. On July 18, 2014, Gerald Pesall filed his Post-Hearing Initial Brief, and Applicants filed their Proposed Findings of Fact, and Conclusions of Law, Proposed Order Granting Permit to Construct Facilities, Motion for Leave to Submit Documentary Evidence, and Post-Hearing Brief.

TODAY, shall the Commission grant the Motion for Leave to Submit Documentary Evidence? AND, shall the Commission grant the Joint Motion for Approval of Settlement Stipulation and approve the Amended Settlement Stipulation as the basis for its final decision and order? Or, how shall the Commission proceed?

**2. EL14-035 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between West Central Electric Cooperative, Inc. and Oahe Electric Cooperative, Inc. (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)**

On April 28, 2014, Commission Staff filed an Electric Service Territory Boundary Agreement between West Central Electric Cooperative, Inc. and Oahe Electric Cooperative, Inc. This filing is made pursuant to current efforts of the PUC to verify electric territory mapping data for conversion to electronic format and use in a Geographic Information System (GIS) database. With the assistance of the above-referenced utilities, Commission Staff has confirmed the service territory boundary shared by these utilities and has prepared updated mapping information. Commission Staff asks for approval of the agreement to update official mapping data to properly reflect the service territory boundaries shared by the utilities in this docket.

TODAY, shall the Commission approve the proposed electric service territory boundary agreement?

**3. EL14-046 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Dakota Energy Cooperative, Inc. and Codington-Clark Electric Cooperative, Inc. (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)**

On May 15, 2014, Commission Staff filed an Electric Service Territory Boundary Agreement between Dakota Energy Cooperative, Inc. and Codington-Clark Electric Cooperative, Inc. This filing is made pursuant to current efforts of the PUC to verify electric territory mapping data for conversion to electronic format and use in a Geographic Information System (GIS) database. With the assistance of the above-referenced utilities, Commission Staff has confirmed the service territory boundary shared by these utilities and has prepared updated mapping information. Commission Staff asks for approval of the agreement to update official mapping data to properly reflect the service territory boundaries shared by the utilities in this docket.

TODAY, shall the Commission approve the proposed electric service territory boundary agreement?

**4. EL14-060 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Arlington Municipal Electric and Kingsbury Electric Cooperative, Inc. (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)**

On June 24, 2014, Commission Staff filed an Electric Service Territory Boundary Agreement between Arlington Municipal Electric and Kingsbury Electric Cooperative, Inc. This filing is made pursuant to current efforts of the PUC to verify electric territory mapping data for conversion to electronic format and use in a Geographic Information System (GIS) database. With the assistance of the above-referenced utilities, Commission Staff has confirmed the service territory boundary shared by these utilities and has prepared updated mapping information. Commission Staff asks for approval of the agreement to update official mapping data to properly reflect the service territory boundaries shared by the utilities in this docket.

TODAY, shall the Commission approve the proposed electric service territory boundary agreement?

**5. EL14-063 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Arlington Municipal Electric and Sioux Valley Energy (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)**

On July 10, 2014, Commission Staff filed an Electric Service Territory Boundary Agreement between Arlington Municipal Electric and Sioux Valley Energy. This filing is made pursuant to current efforts of the PUC to verify electric territory mapping data for conversion to electronic format and use in a Geographic Information System (GIS) database. With the assistance of the above-referenced utilities, Commission Staff has confirmed the service territory boundary shared by these utilities and has prepared updated mapping information. Commission Staff asks for approval of the agreement to update official mapping data to properly reflect the service territory boundaries shared by the utilities in this docket.

TODAY, shall the Commission approve the proposed electric service territory boundary agreement?

**6. EL14-064 In the Matter of the Filing by NorthWestern Corporation dba NorthWestern Energy for Approval of a Contract with Deviations (Staff Analyst: Joseph Rezac; Staff Attorney: Karen Cremer)**

On July 15, 2014, the Commission received a filing from NorthWestern Corporation, dba NorthWestern Energy (NorthWestern), for approval of a Contract with Deviations. The proposed contract would extend single-phase electric distribution service to Paul Larson's (customer) cattle barn site. NorthWestern will install, or arrange for the installation of approximately 1,700 feet of underground single phase primary to the site of the customer's cattle barn with the customer paying the actual project costs. NorthWestern requests an August 6th, 2014, effective date and that it be approved on less than 30 days' notice.

TODAY, shall the Commission approve the Contract with Deviations on less than 30 days' notice, with an August 6th, 2014, effective date?

**Telecommunications**

**1. TC14-027 In the Matter of the Request of Citizens Telecommunications Company of Minnesota, LLC for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Robin Meyerink; Staff Attorney: Kristen Edwards)**

On June 19, 2014, the Commission received an application from Citizens Telecommunications Company of Minnesota, LLC requesting the Commission grant a waiver of the Commission's ETC filing requirements pursuant to ARSD 20:10:32:56, on grounds that the reporting requirements in support of ETC certification are unduly burdensome and unnecessary. Citizen's also requests that the Commission issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to Company.

TODAY, shall the Commission grant the waiver and certify Citizens Telecommunications Company of Minnesota?

**2. TC14-028 In the Matter of the Filing by dishNET Wireline L.L.C. for Approval of Revisions to its Access Services Tariff No. 2 (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)**

On June 19, 2014, the Commission received a filing from dishNET Wireline L.L.C. (dishNet) requesting approval revisions to its Access Tariff No. 2 sheets 2, 37 and 39. The proposed tariff revision filing is done in compliance with the FCC's order in FCC 11-161. dishNet requests an effective date of July 1, 2014.

TODAY, shall the Commission approve dishNET Wireline L.L.C.'s revisions to its Access Services Tariff No. 2?

**3. TC14-029 In the Matter of the Application of Toly Digital Networks, Inc. for a Certificate of Authority to Provide Interexchange Long Distance Services in South Dakota Support (Staff Analyst: Robin Meyerink; Staff Attorney: Kristen Edwards)**

On June 19, 2014, the Commission received an application for a Certificate of Authority from Toly Digital Networks, Inc. (Toly) to provide intrastate telecommunications services with South Dakota through the resale of similar services offered by other interexchange carriers. Toly is planning to offer services on all equal-access areas with the State of South Dakota. On July 18, 2014, Toly requested a waiver of the cash flow statement in ARSD Section 20:10:24:02(9).

TODAY, shall the Commission grant the request for a Certificate of Authority to provide interexchange services within the State of South Dakota? AND, shall the Commission grant the requested waiver?

**4. In the Matter of Request for Certification Regarding the Use of Federal Universal Service Support in Dockets TC14-040, TC14-043, TC14-044, TC14-047, TC14-048, TC14-051 and TC14-057.**

**TC14-040 In the Matter of the Request of Northern Valley Communications, L.L.C. for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Robin Meyerink; Staff Attorney: Karen Cremer)**

On June 27, 2014, the Commission received an application from Northern Valley Communications, L.L.C. requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company.

**TC14-043 In the Matter of the Request of James Valley Wireless, LLC for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Robin Meyerink; Staff Attorney: Karen Cremer)**

On June 27, 2014, the Commission received an application from James Valley Wireless, LLC requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company.

**TC14-044 In the Matter of the Request of Alliance Communications Cooperative, Inc. for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Karen Cremer)**

On June 27, 2014, the Commission received an application from Alliance Communications Cooperative Inc. requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company. On July 11, 2014, the Company responded to Staff's data requests.

**TC14-047 In the Matter of the Request of James Valley Cooperative Telephone Company for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Robin Meyerink; Staff Attorney: Karen Cremer)**

On June 27, 2014, the Commission received an application from James Valley Cooperative Telephone Company requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company.

**TC14-048 In the Matter of the Request of Cheyenne River Sioux Tribe Telephone Authority for Certification Regarding Its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Karen Cremer)**

On June 27, 2014, the Commission received an application from Cheyenne River Sioux Tribe Telephone Authority requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company. On July 17, 2014, the Company responded to Staff's data requests.

**TC14-051 In the Matter of the Request of Golden West Telecommunications Cooperative, Inc., Study Area Codes: 391640, 391659, 391667, 391677, 391684 and 391686 for Certification Regarding Its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)**

On June 30, 2014, the Commission received an application from Golden West Telecommunications Cooperative, Inc. requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company. On July 23, 2014, the Company responded to Staff's data requests.

**TC14-057 In the Matter of the Request of Fort Randall Telephone Company for Certification Regarding Its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)**

On June 30, 2014, the Commission received an application from Fort Randall Telephone Company requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company. On July 18, 2014, the Company responded to Staff's data requests.

TODAY, shall the Commission provide a certification to the Federal Communications Commission and to the Universal Service Administration Company regarding the use of Federal Universal Service Support in each of the above dockets?

**5. TC14-052 In the Matter of the Filing by Sprint Communications Company L.P. for Approval of its Access Services Tariff No. 3 (Staff Analyst: Robin Meyerink; Staff Attorney: Karen Cremer)**

On June 30, 2014, Sprint Communications Company L.P. (Sprint) filed tariff revisions to comply with the July 1, 2014, interstate access rate benchmarking requirement set forth in the FCC's WC Docket Nos. 10-90, etc. This filing refers to the Company's interstate F.C.C. Tariff No. 13 for Originating VoIP and Terminating VoIP and Non-VoIP switched access rates. Sprint respectfully requests an effective date simultaneous with its interstate tariff effective date of July 31, 2014. TODAY, shall the Commission approve the requested tariff revisions?

**6. TC14-070 In the Matter of the Filing by Sage Telecom Communications, LLC for Approval of Revisions to its Tariff No. 1 (Staff Analyst: Eric Paulson; Staff Attorney: Karen Cremer)**

On July 1, 2014, the Commission received a filing from Sage Telecom Communications, LLC (Sage) requesting approval revisions to its Access Tariff No. 1 pages 2 and 55. The purpose of this filing is to revise the terminating intrastate access rates to reference their interstate access rates. Sage requests an effective date of July 31, 2014.

TODAY, shall the Commission approve Sage Telecom Communications, LLC's revisions to its Access Services Tariff No. 1?

**7. TC14-074 In the Matter of the Filing by dishNET Wireline L.L.C. for Approval of Revisions to its Access Services Tariff No. 2 (Staff Analyst: Eric Paulson; Staff Attorney: Karen Cremer)**

On July 15, 2014, the Commission received a filing from dishNET Wireline L.L.C. (dishNet) requesting approval revisions to its Access Tariff No. 2 sheets 2, 37 and 39. The purpose of this filing is to lower dishNet's originating access rates to match its terminating access rates. dishNet requests an effective date of July 16, 2014.

TODAY, shall the Commission approve dishNET Wireline L.L.C.'s revisions to its Access Services Tariff No. 2?

**Items for Commission Discussion**

**Announcements**

1. The PUC will host and commissioners and staff will attend "EPA's 111(d) Carbon Regulation: A South Dakota Forum," an examination of the impacts, implications and other issues of the EPA's proposed plan to reduce carbon emissions from existing power plants on Thursday, July 31, 2014, beginning at 8 a.m. CDT in Amphitheater II at the Ramkota Conference Center, 3200 W. Maple St., Sioux Falls, S.D.
2. Commissioners and staff will meet with consumers at the Brown County Fair, August 12-17, 2014, in Aberdeen, S.D.
3. Commissioners and staff will attend 2014 South Dakota Telecommunications Association Annual Meeting, August 17-19, 2014, at the Ramkota Conference Center, Sioux Falls, S.D.
4. Commissioners will participate in a panel discussion Monday, August 18, 2014, at 4:00 p.m. CDT at the 2014 South Dakota Telecommunications Association Annual Meeting at the Ramkota Conference Center, Sioux Falls, S.D.
5. The next regularly scheduled commission meeting will be Tuesday, August 19, 2014, at 3:00 p.m. CDT in Room 414 at the State Capitol Building, Pierre, S.D. and Room FADM 145 at University Center, 4801 N. Career Ave., Sioux Falls, S.D.
6. A public input hearing for Docket EL14-061 will be held Monday, August 25, 2014, beginning at 6:30 p.m. MDT in the Sylvan I Room at the Ramkota Conference Center, 2111 N. LaCrosse St., Rapid City, S.D.
7. Commission meetings are scheduled for September 2 and 16, 2014.

/s/Cindy Kemnitz

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July 30, 2014