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South Dakota Public Utilities Commission Meeting
February 13, 2015, at 9:30 A.M. CST
Room 413, Capitol Building
Pierre, South Dakota

MINUTES OF THE COMMISSION MEETING

Chairman Chris Nelson called the meeting to order. Present were: Commissioners: Kristie Fiegen and Gary Hanson; Acting Commissioner: Rich Sattgast; Commission Counsel: John Smith and Rolayne Wiest; Commission Advisor: Greg Rislov; Staff Attorneys: Karen Cremer and Kristen Edwards; Staff Analysts: Brian Rounds, Darren Kearney, Patrick Steffensen, Joseph Rezac, and Eric Paulson; Consumer Affairs Supervisor: Deb Gregg; and Staff: Katlyn Gustafson.

Also present were:

Bruce Gerhardson, Stuart Tommerdahl, Nancy Olson, Kris Koch, Bryce Haugen, and Dave Prazak, Otter Tail Power Company; Rich Coit, South Dakota Telecommunications Association; and Brett Koenecke and Kara Semmler, May, Adam, Gerdes & Thompson, representing Dakota Access, LLC.

Joining the meeting by telephone were:

Mary Zanter, Pipeline Safety Manager; Andy Gipson, Jones Walker, representing Boomerang Wireless LLC dba enTouch Wireless; Marilyn Murray, self; Kimberly Craven, attorney, representing Dakota Rural Action; Janice Petterson, self; Phillip Fett, self; Teresa Sidel, City of Hartford; Patrick Glover, City of Humboldt; Linda Goulet, self; Joy Hohn, self; and Deborah Sorenson, self.

Administration

1. Approval of the Minutes of the Commission Meeting Held on February 2, 2015 (Staff: Joy Lashley)

Commissioner Fiegen moved to approve the minutes of the Commission meeting held on February 2, 2015. Motion carried 3-0.

Consumer Reports

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

The Commission received a total of 51 contacts since the last report was prepared for the February 2, 2015 Commission meeting.

7 of the contacts involved telecommunication services, 17 of the contacts involved electrical services, 3 of the contacts involved natural gas service, 2 contacts involved cell phone service, 10 contacts were related to the Do Not Call Registry, 2 contacts were related to the Dakota Access Pipeline, and 10 contacts were related to issues not regulated by the PUC.

1,914 of the 1,916 complaints received in 2014 have been resolved. 272 of the 292 complaints received in 2015 have been resolved.

Electric

1. EL14-090 In the Matter of the Petition of Otter Tail Power Company for Approval of its 2015 Transmission Cost Recovery Eligibility and Rate Adjustment (Staff Analyst: Patrick Steffensen; Staff Attorney: Karen Cremer)

A lengthy discussion took place regarding docket EL14-090. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2015,

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February 13, 2015, recording located at:

<http://puc.sd.gov/commission/media/2015/puc02132015.mp3>.

Commissioner Hanson moved to deny OTP's request that that the North American Electric Reliability Corporation Compliance project costs be eligible for inclusion in the TCR rider.

Motion carried 3-0.

Commissioner Hanson moved to approve OTP's TCR revenue requirement and rates recommended by Staff with an effective date of March 1, 2015. Motion carried 3-0.

2. EL15-006 In the Matter of the Filing by Otter Tail Power Company for Approval of Petition of Tariff Revisions to its Rates for Small Power Production and Cogeneration (Staff Analyst: Eric Paulson; Staff Attorney: Karen Cremer)

Mr. David Prazak, Otter Tail Power Company (OTP), asked that the Commission approve OTP's Small Power Producer Riders, Sections 12.01, 12.02 and 12.03 in OTP's tariff book effective March 1, 2015. Mr. Eric Paulson, staff analyst, recommended that the Commission approve OTP's request.

Commissioner Nelson moved to approve the proposed revisions to OTP's rates for Small Power Production and Cogeneration for Qualifying Facilities. Motion carried 3-0.

Pipeline Safety

1. PS13-001 In the Matter of the Filing by Commission Pipeline Safety Staff for Approval of a Penalty for a Pipeline Safety Violation by Humboldt Municipal Gas Utilities Gas (Staff Analyst: Mary Zanter; Staff Attorney: Kristen Edwards)

Ms. Kristen Edwards, staff attorney, asked that the Commission defer action on the docket until a later Commission meeting.

The Commission deferred taking action on the docket.

Telecommunications

1. TC15-002 In the Matter of the Application of Boomerang Wireless LLC dba enTouch Wireless for Designation as an Eligible Telecommunications Carrier in Certain Exchanges within the State of South Dakota (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

Mr. Rich Coit, South Dakota Telecommunications Association (SDTA), asked that the Commission grant SDTA intervention. Mr. Andy Gipson, Jones Walker, representing Boomerang Wireless LLC dba enTouch Wireless (Boomerang), stated Boomerang had no objection to SDTA's intervention. Mr. Eric Paulson, staff analyst, recommended that the Commission grant intervention to SDTA.

Commissioner Fiegen moved to grant intervention to SDTA. Motion carried 3-0.

Hydrocarbon Pipeline

1. HP14-002 In the Matter of the Application of Dakota Access, LLC for an Energy Facility Permit to Construct the Dakota Access Pipeline (Staff Analysts: Brian Rounds, Darren Kearney; Staff Attorney: Kristen Edwards)

A lengthy discussion took place regarding docket HP14-002. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2015, February 13, 2015, recording located at:

<http://puc.sd.gov/commission/media/2015/puc02132015.mp3>.

Acting Commissioner Sattgast moved to grant Dakota Access, LLC's motion for waiver of

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ARSD 20:10:22:39. Motion carried 3-0.

Commissioner Hanson moved to grant intervention and party status to the South Dakota Department of Transportation, Lake County, WEB Water Development Association, Inc., Randy Kuehn, Lincoln County Board of Commissioners, Pente Farms, LLC, Minnehaha County Board of Commissioners, Peggy A. Hoogestraat, Joy A. Hohn, Marilyn J. Murray, City of Hartford, Rocky Acres Land Investment, LLC, Linda Goulet, Dale E. Sorenson Life Estate, Dakota Rural Action, Dale and Debra K. Sorenson, Duane Sorenson, Dennis Sorenson, Douglas Sorenson, Haugen Investments, LP, Phillip Fett, Orrin E. Geide, Shirley M. Oltmann, Bradley F. Williams, Craig L. Walker, Dotta-Jo A. Walker, Kevin J. Schoffelman, City of Sioux Falls, Delores Andreessen Assid, Charles J. Johnson, Janice E. Petterson, Corliss F. Wiebers, Paul A. Nelsen, and Paul A. Seamans. Motion carried 3-0.

There being no further business, at the hour of 11:07 a.m. the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley .

Joy Lashley

Administrative Assistant

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