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### **South Dakota Public Utilities Commission Meeting**

**April 30, 2015, at 9:00 A.M. CDT**

**Room 413, Capitol Building**

**Pierre, South Dakota**

#### **MINUTES OF THE AD HOC COMMISSION MEETING**

Chairman Chris Nelson called the meeting to order. Present were: Commissioners: Kristie Fiegen and Gary Hanson; Acting Commissioner Richard Sattgast; Commission Counsel: John Smith and Rolayne Wiest; Commission Advisor: Greg Rislov; Staff Attorneys: Karen Cremer and Kristen Edwards; Staff Analysts: Darren Kearney, Brian Rounds, and Joseph Rezac; Executive Director: Patty Van Gerpen; and Staff: Katlyn Gustafson.

Also present were:

Cheri Wittler, Court Reporter; Rich Coit, South Dakota Telecommunications Association; Brett Koenecke, May, Adam, Gerdes and Thompson, LLP, representing Dakota Access, LLC; Bill Taylor and James Moore, Woods, Fuller, Schultz, and Smith, representing TransCanada Keystone Pipeline, LP; Jim White, TransCanada Keystone Pipeline, LP; Bill VanCamp, Olinger Lovald McCahren & Remiers PC, representing AT&T Corp.; Bob Riter, Riter, Rogers, Wattier & Northrup, LLP, representing South Dakota Association of Rural Water Systems, Inc.; Sabrina King, Dakota Rural Action; Joye Braun, self; Gary Dorr, self; Morgan LeBeau, Cheyenne River Sioux Tribe; and Floyd Braun, self.

Joining the meeting by telephone were:

Jason Topp, CenturyLink Communications Company, LLC; Eric Pauli, Northern States Power Company dba Xcel Energy; Marlene Bennett, Consortia Consulting, representing South Dakota Telecommunications Association; Jennifer Baker and Thomasina Real Bird, Fredericks Peebles & Morgan LLP, representing Yankton Sioux Tribe; Robin Martinez, Martinez Madrigal & Machicao, LLC, representing Dakota Rural Action; Travis Clark, Fredericks Peebles & Morgan LLP, representing Cheyenne River Sioux Tribe; Peter Capossela, representing Standing Rock Sioux Tribe; Paul Blackburn, Attorney, representing Bold Nebraska; Nancy Hilding, self; Bruce Ellison, Ellison Law Office, representing Dakota Rural Action; Matthew Rappold, Rappold Law Office, representing Rosebud Sioux Tribe; Doug Crow Ghost, Stand Rock Sioux Tribe; Kimberly Craven, Attorney, representing Indigenous Environmental Network; and Robert Gough, Intertribal Council on Utility Policy.

(NOTE: For the purpose of continuity, these minutes are not necessarily in chronological order.)

#### **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 165 contacts since the last report was prepared for the April 14, 2015 Commission meeting.

17 of the contacts involved telecommunication services, 28 of the contacts involved electrical services, 4 of the contacts involved natural gas service, 12 contacts were related to the Do Not Call Registry, 2 contacts were related to the Dakota Access Pipeline, 89 contacts were related to the Keystone XL Pipeline and 13 contacts were related to issues not regulated by the PUC.

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

689 of the 734 complaints received in 2015 have been resolved.

#### **Hydrocarbon Pipeline**

002406

**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)**

Mr. Bob Ritter, Ritter, Rogers, Wattier & Northrup, LLP, representing South Dakota Association of Rural Water Systems, Inc. (SDARWS), asked that the Commission grant SDARWS's request for intervention. There were no objections to SDARWS's request.

**Commissioner Hanson moved to grant intervention to the South Dakota Association of Rural Water Systems, Inc.** Motion carried 3-0.

**Electric**

**1. EL15-010 In the Matter of the Filing of Northern States Power Company dba Xcel Energy for Approval of its 2014 Economic Development Activities and 2015 Budget (Staff Analyst: Darren Kearney; Staff Attorney: Karen Cremer)**

Mr. Eric Pauli, Northern States Power Company dba Xcel Energy (Xcel Energy), asked that the Commission approve its 2014 Economic Development Report and its 2015 Economic Development Budget. Mr. Darren Kearney, staff analyst, recommended that the Commission grant approval to Xcel Energy's request.

**Commissioner Fiegen moved to approve Xcel Energy's 2014 Economic Development Report and its 2015 Economic Development Budget.** Motion carried 3-0.

**Telecommunications**

**1. TC13-027 In the Matter of the Consideration of Eligible Telecommunications Carrier Certification Requirements (Staff Analyst: Brian Rounds; Staff Attorney: Karen Cremer)**

A lengthy discussion took place regarding docket TC13-027. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2015, April 30, 2015, recording located at: <http://puc.sd.gov/commission/media/2015/puc04302015.mp3>.

The Commission deferred action on the docket until a later date.

**2. TC15-004 In the Matter of the Filing by CenturyLink Communications Company, LLC for Approval of Revisions to its Access Service Tariff (Staff Analyst: Joseph Rezac; Staff Attorney: Karen Cremer)**

Mr. Jason Topp, CenturyLink Communications Company, LLC (CenturyLink), asked for approval of revisions to its South Dakota Access Service Tariff. Mr. Joseph Rezac, staff analyst, recommended that the Commission grant approval to CenturyLink's tariff revisions effective May 1, 2015.

**Commissioner Nelson moved to approve the tariff revisions effective May 1, 2015.** Motion carried 3-0.

**Hydrocarbon Pipeline items continued**

**1. HP14-001 In the Matter of the Petition of TransCanada Keystone Pipeline, LP for Order Accepting Certification of Permit Issued in Docket HP09-001 to Construct the Keystone XL Pipeline (Staff Analysts: Brian Rounds, Darren Kearney; Staff Attorney: Kristen Edwards)**

A lengthy discussion took place regarding docket HP14-001. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2015, April 30, 2015, recording located at: <http://puc.sd.gov/commission/media/2015/puc04302015.mp3>. When received by the Commission, a transcript of the discussion will be able to be accessed on the PUC website at: <http://puc.sd.gov/Dockets/HydrocarbonPipeline/2014/hp14-001.aspx>.

**Commissioner Hanson moved to deny the request to vacate the Protective Order.** Motion carried 3-0.

**Commissioner Nelson moved to amend paragraph 3 of the Protection Order.** Motion carried 3-0.

**Commissioner Fiegen moved that the evidentiary hearing be moved to the week of July 27-31, that the substantive motions be filed no later than May 26, with responses due June 2, and motions heard on June 11; rebuttal testimony be filed by June 26; witness and exhibit lists filed by July 7; and Motions *in Limine* be filed by July 10, 2015.**

**Commissioner Nelson moved to amend the motion adding August 3 and 4 to the evidentiary hearing dates.** Motion carried 2-1. Commissioner Fiegen dissented. Motion carried as amended 3-0.

There being no further business, at the hour of 12:39 p.m. the South Dakota Public Utilities Commission meeting adjourned

/s/Joy Lashley

Joy Lashley

Administrative Assistant

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April 30, 2015