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South Dakota Public Utilities Commission Meeting
May 12, 2015, at 9:30 A.M. CDT
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 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; Consumer Affairs Manager: Deb Gregg; and Staff: Katlyn Gustafson.

Also present were:

Cheri Wittler, Court Reporter; Rich Coit, South Dakota Telecommunications Association; Bill VanCamp, Olinger Lovald McCahren & Remiers PC, representing AT&T Corp.; Brett Koenecke and Kara Semmler, May, Adam, Gerdes and Thompson, LLP, representing Dakota Access, LLC; Margo Northrup, Riter, Rogers, Wattier & Northrup, LLP, representing South Dakota Association of Rural Water Systems, Inc. and South Dakota Telecommunications Association; and Vern Hill, Plankinton Municipal Electric.

Joining the meeting by telephone were:

Jason Topp, CenturyLink Communications Company, LLC; Thomasina Real Bird, Fredericks Peebles & Morgan LLP, representing Yankton Sioux Tribe; Glenn Boomsma, Breit Law Office, P.C., representing Peggy A. Hoogestraat, Kevin J. Schoffelman, Linda Goulet, Corlis Wiebers, Mavis Parry, Shirley Oltmanns, Janice E. Petterson, Marilyn Murray, Delores Andreessen Assid, Joy Hohn, and Orrin E. Geide; Brian Bultje, Central Electric Cooperative, Inc.; Matt Rappold, Rappold Law Office, representing Rosebud Sioux Tribe Sicangu Oyate Land Office and Sicangu Lakota Treaty Office; John McCluskey, Airus, Inc.

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 53 contacts since the last report was prepared for the April 30, 2015 Commission meeting.

5 of the contacts involved telecommunication services, 15 of the contacts involved electrical services, 1 of the contacts involved natural gas service, 1 contact was related to wireless service, 8 contacts were related to the Do Not Call Registry, 4 contacts were related to the Dakota Access Pipeline, 16 contacts were related to the Keystone XL Pipeline and 3 contacts were related to issues not regulated by the PUC.

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

759 of the 787 complaints received in 2015 have been resolved.

Electric

1. EL15-002 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Elk Point Municipal Electric and Union County Electric Cooperative, Inc. (Staff Analyst: Brian Rounds; Staff Attorney: Kristen Edwards)

Mr. Brian Rounds, staff analyst, recommended that the Commission approve the proposed electric service territory boundary agreement between Elk Point Municipal Electric and Union County

Electric Cooperative, Inc.

Commissioner Fiegen moved to approve the proposed electric service territory boundary agreement. Motion carried 3-0.

2. EL15-011 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Central Electric Cooperative, Inc. and Plankinton Municipal Electric (Staff Analyst: Brian Rounds; Staff Attorney: Kristen Edwards)

Mr. Brian Rounds, staff analyst, recommended that the Commission approve the proposed electric service territory boundary agreement between Central Electric Cooperative, Inc. and Plankinton Municipal Electric. Mr. Brian Bultje, Central Electric Cooperative, Inc. and Mr. Vern Hill, Plankinton Municipal Electric, had no objections.

Commissioner Hanson moved to approve the proposed electric service territory boundary agreement. 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, May 12, 2015, recording located at: <http://puc.sd.gov/commission/media/2015/puc05122015.mp3>

Commissioner Nelson moved that the Commission require carriers to include their most recent FCC 477 submission data in spreadsheet format where applicable when carriers file their annual request for ETC certification. Motion carried 3-0.

2. TC15-005 In the Matter of the Approval of a Wireline Interconnection Agreement between CenturyLink Communications Company, LLC and Airus, Inc. (Staff Analyst: Joe Rezac; Staff Attorney: Kristen Edwards)

Mr. Jason Topp, CenturyLink Communications Company, LLC and John McCluskey, Airus, Inc., asked that the Commission approve the adoption of the interconnection agreement. Ms. Kristen Edwards, staff attorney, stated that the agreement was properly filed, properly executed, and does not appear to contain discriminatory provisions, and no comments were filed. Ms. Edwards recommended that the Commission grant approval.

Commissioner Fiegen moved to approve the interconnection agreement. Motion carried 3-0.

**ADDENDUM TO THE
AGENDA OF COMMISSION MEETING**

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, May 12, 2015, recording located at: <http://puc.sd.gov/commission/media/2015/puc05122015.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 Yankton Sioux Tribe's Motion to Compel. Motion failed 1-2. Chairman Nelson and Acting Commissioner Sattgast dissented.

Commissioner Nelson moved to grant Yankton Sioux Tribe's Motion to Compel with respect to Interrogatories 10, 19, and 20; and request for production numbers 3 and 4; and to require that any information provided that is confidential be subject to a protection order identical to the amended protection ordered issued in HP14-001. Commissioner Nelson amended his motion to limit documents provided per request for production number 4 to applications, correspondence with agencies, and related memorandums. Motion carried 2-1. Commissioner Hanson dissented.

Commissioner Hanson moved to deny the request for attorneys' fees and expenses associated with the Motion to Compel. Motion carried 3-0.

There being no further business, at the hour of 10:44 a.m. the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley .

Joy Lashley

Administrative Assistant

puc@state.sd.us

May 12, 2015