

► [Commission Minutes](#) | [previous page](#)

South Dakota Public Utilities Commission Meeting
August 20, 2015, at 9:30 A.M. CDT
Governor's Large Conference Room, Capitol Building
Pierre, South Dakota

MINUTES OF THE COMMISSION MEETING

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

Also present were:

Cheri Whittler, Court Reporter; Rich Coit, South Dakota Telecommunications Association; Margo Northrup, Riter, Rogers, Wattier & Northrup LLP, representing Valley Telecommunications Cooperative Association, Inc., TrioTel Communications Inc., and Clarity Telecom, LLC dba Vast Broadband; Mitch Elfstrand, Clarity Telecom, LLC dba Vast Broadband; and Kara Semmler, May, Adam, Gerdes and Thompson, LLP, representing Dakota Access, LLP and Montana-Dakota Utilities Co.

Joining the meeting by telephone were:

Commissioner: Kristie Fiegen; Lieutenant Colonel John Degnan, representing Federal Executive Agencies; Scott Bohler, Citizens Telecommunications Company of Minnesota, LLC; Jim Cremer, Bantz Gosch & Cremer LLC, representing James Valley Cooperative Telephone Company, Northern Valley Communications, L.L.C., and James Valley Wireless LLC; James Groft, James Valley Cooperative Telephone Company, Northern Valley Communications, L.L.C., and James Valley Wireless LLC; Marlene Bennett and Kim Stumpp, Consortia Consulting, representing Valley Telecommunications Cooperative Association, Inc., TrioTel Communications Inc., and Kennebec Telephone Co.; Joanna Wallace, Marshlian & Donahue, PLLC, representing ViaSat, Inc.; Bruce Schoonover, Knology of the Black Hills LLC and Knology Community Telephone, Inc; John Kuykendall and Tanea Foglia, John Staurulakis, Inc., representing Knology of the Black Hills LLC, Knology Community Telephone, Inc., and Clarity Telecom, LLC dba Vast Broadband; Matt Rappold, Rappold Law Office, representing Rosebud Sioux Tribe Sicangu Oyate Land Office and Rosebud Sioux Tribe Sicangu Lakota Treaty Office; Kimberly Craven, Attorney at Law, representing Dakota Rural Action and Indigenous Environmental Network; Darin LaCoursiere, Valley Telecommunications Cooperative Association, Inc.; and Jennifer Baker, Fredericks Peebles & Morgan LLP, representing Yankton Sioux Tribe.

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

MINUTES OF THE ADDENDUM TO THE 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 TC15-050. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2015, August 20, 2015, recording located at: <http://puc.sd.gov/commission/media/2015/puc08202015.mp3>.

Commissioner Hanson moved to grant Yankton Sioux Tribe's Motion for Leave to File out

004515

of Time. Motion carried 3-0.

Acting Commissioner Sattgast concluded his portion of the Commission meeting and Commissioner Fiegen joined the Commission meeting after docket HP14-002 was heard.

Telecommunications

- 1. TC15-006 In the Matter of the Application of ViaSat, Inc. for a Certificate of Authority to Provide Interexchange Long Distance Services in South Dakota (Staff Analyst: Joseph Rezac; Staff Attorney: Karen Cremer)**

Ms. Joanna Wallace, Marashlian & Donahue, PLLC, representing ViaSat, Inc. (ViaSat), asked that the Commission allow ViaSat to withdraw its application.

Commissioner Fiegen moved to grant ViaSat's request to withdraw its application. Motion carried 3-0.

Administration

- 1. Approval of the minutes of the Commission meetings held on July 21, and August 5, 2015, and the Ad Hoc meetings held on July 17, and July 23, 2015 (Staff: Joy Lashley)**

Commissioner Fiegen moved to approve the minutes of the Ad Hoc Commission meeting held on July 17, 2015 and the Commission meeting held on July 21, 2015. Motion carried 3-0.

Commissioner Hanson moved to approve the minutes of the Ad Hoc Commission meeting held on July 23, 2015 and the Commission meeting held on August 5, 2015. Motion carried 2-0. Commissioner Fiegen abstained from the vote.

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 81 contacts since the last report was prepared for the August 5, 2015 Commission meeting.

14 contacts involved telecommunication services, 19 contacts involved electrical services, 1 contact involved natural gas service, 3 contacts were related to wireless service, 8 contacts were related to the Do Not Call Registry, 3 contacts were related to the Dakota Access Pipeline, 19 contacts were related to the Keystone XL Pipeline and 14 contacts were related to issues not regulated by the PUC.

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

1,254 of the 1,265 complaints received in 2015 have been resolved.

Natural Gas

- 1. NG15-005 In the Matter of the Application of Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. for Authority to Increase its Natural Gas Rates (Staff Analysts: Brittany Mehlhaff, Patrick Steffensen, Eric Paulson, Joseph Rezac, Lorena Reichert; Staff Attorney: Adam de Hueck)**

Lieutenant Colonel John Degnan, Federal Executive Agencies, asked that Commission grant intervention to the Federal Executive Agencies. Ms. Kara Semmler, May, Adam, Gerdes and Thompson, LLP, representing Montana-Dakota Utilities Co. (MDU), stated MDU has no objections. Mr. Adam de Hueck, staff attorney, stated staff had no objections to the intervention.

Commissioner Nelson moved to grant intervention to Federal Executive Agencies. Motion carried 3-0.

Telecommunications

1. TC15-016 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: Joseph Rezac; Staff Attorney: Adam de Hueck)

Mr. Steve Bohler, Citizens Telecommunications Company of Minnesota, LLC (Citizens), asked that the Commission grant the waiver and certify Citizens. Mr. Joseph Rezac, staff analyst, recommended that the Commission grant Citizens the waiver for one year and certify Citizens.

Commissioner Hanson moved to grant the waiver for one year and certify Citizens Telecommunications Company of Minnesota. Motion carried 3-0.

2. In the Matter of Request for Certification Regarding the Use of Federal Universal Service Support in Dockets TC15-021, TC15-022, TC15-023, TC15-025, TC15-026, TC15-028, TC15-029, TC15-037, and TC15-050.

TC15-021 In the Matter of the Request of James Valley Cooperative Telephone Company for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Joseph Rezac; Staff Attorney: Adam de Hueck)

Mr. Jim Cremer, Bantz Gosch & Cremer LLC, representing James Valley Cooperative Telephone Company, asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Joseph Rezac, staff analyst, recommended that the Commission grant James Valley Cooperative Telephone Company's request.

TC15-022 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: Joseph Rezac; Staff Attorney: Adam de Hueck)

Mr. Jim Cremer, Bantz Gosch & Cremer LLC, representing Northern Valley Communications, L.L.C., asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Joseph Rezac, staff analyst, recommended that the Commission grant Northern Valley Communications, L.L.C.'s request.

TC15-023 In the Matter of the Request of James Valley Wireless, LLC for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Joseph Rezac; Staff Attorney: Adam de Hueck)

Mr. Jim Cremer, Bantz Gosch & Cremer LLC, representing James Valley Wireless LLC, asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Joseph Rezac, staff analyst, recommended that the Commission grant James Valley Wireless LLC's request.

TC15-025 In the Matter of the Request of Valley Telecommunications Cooperative Association, Inc. for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Joseph Rezac; Staff Attorney: Adam de Hueck)

Ms. Margo Northrup, Riter, Rogers, Wattier & Northrup LLP, representing Valley Telecommunications Cooperative Association, Inc., asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Joseph Rezac, staff analyst, recommended that the Commission grant Valley Telecommunications Cooperative Association, Inc.'s request.

TC15-026 In the Matter of the Request of TrioTel Communications, Inc. for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Joseph Rezac; Staff Attorney: Adam de Hueck)

Ms. Margo Northrup, Riter, Rogers, Wattier & Northrup LLP, representing TrioTel Communications Inc., asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Joseph Rezac, staff analyst, recommended that the Commission grant TrioTel Communications Inc.'s request.

TC15-028 In the Matter of the Request of Knology of the Black Hills, LLC for Certification Regarding Its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Adam de Hueck)

Mr., John Kuykendall, John Staurulakis, Inc., representing Knology of the Black Hills LLC, asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Eric Paulson, staff analyst, recommended that the Commission grant Knology of the Black Hills LLC's request.

TC15-029 In the Matter of the Request of Knology Community Telephone, Inc. for Certification Regarding Its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Adam de Hueck)

Mr. John Kuykendall, John Staurulakis, Inc., representing Knology Community Telephone, Inc. asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Eric Paulson, staff analyst, recommended that the Commission grant Knology Community Telephone, Inc.'s request.

TC15-037 In the Matter of the Request of Kennebec Telephone Co., Inc. for Certification Regarding Its Use of Federal Universal Service Support (Staff Analyst: Joseph Rezac; Staff Attorney: Adam de Hueck)

Ms. Marlene Bennett, Consortia Consulting, representing Kennebec Telephone Co., asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Joseph Rezac, staff analyst, recommended that the Commission grant Kennebec Telephone Co.'s request.

In dockets TC15-021, TC15-022, TC15-023, TC15-025, TC15-026, TC15-028, TC15-029, and TC15-037, Commissioner Nelson moved to 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. Motion carried 3-0.

TC15-050 In the Matter of the Request of Clarity Telecom, LLC dba Vast Broadband for Certification Regarding Its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Adam de Hueck)

A lengthy discussion took place regarding docket TC15-050. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2015, August 20, 2015, recording located at: <http://puc.sd.gov/commission/media/2015/puc08202015.mp3>.

Commissioner Hanson moved to provide a certification to the Federal Communications Commission and to the Universal Service Administration Company regarding the use of Federal Universal Service Support. 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
August 20, 2015