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**South Dakota Public Utilities Commission Meeting**  
**December 9, 2014, at 9:30 A.M. CST**  
**Room 413, Capitol Building**  
**Pierre, South Dakota**

#### MINUTES OF THE COMMISSION MEETING

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

Also present were:

Jim Wilcox, Northern States Power Company dba Xcel Energy; Rich Coit, South Dakota Telecommunications Association; Darla Rogers, Riter, Rogers, Wattier & Northrup, LLP, representing South Dakota Network, LLC; Peter Capossela, Attorney at Law, representing Standing Rock Sioux Tribe; Thomasina Real Bird, Fredericks Peebles & Morgan LLP, representing Yankton Sioux Tribe; Elizabeth Lone Eagle, Pte Ospaye; John Harter, self; James Moore and William Taylor, Woods, Fuller, Schultz, and Smith, representing TransCanada Keystone Pipeline, LP; Joye Braun, self; Morgan Brings Plenty LeBeau, self; Waste` Win Young, Standing Rock Sioux Tribe – THPO; Avis Little Eagle, Standing Rock Sioux Tribe; Richard Ellison, self; Eric Antoine, Rosebud Sioux Tribe; James Nord, Associated Press; Paul Seamans, self; Cindy Myers, self; Tess Hedrick and Dave Hauk, KSFY; Bob Mercer, reporter; Doug Crow Ghost, SRST – DWR; Roxann Spottedeagle, Brave Heart Women's Society; Faith Spotted Eagle, Yankton/Ihanktonwan Treaty Council; Sabrina King, Dakota Rural Action; Jeff Rauh, TransCanada Keystone Pipeline, LP; Tracey Zephier, Cheyenne River Sioux Tribe; Travis Clark, Cheyenne River Sioux Tribe; Robin Martinez, Dakota Rural Action; and Bruce Ellison, Dakota Rural Action.

Joining the meeting by telephone were:

Matt Rappold, Rappold Law Office, representing Rosebud Sioux Tribe; Paul Blackburn, Attorney, representing Bold Nebraska; Wrexie Bardaglio, self; Carolyn Smith, self; Byron Steskal, self; Marlene Bennett, Consortia Consulting, representing South Dakota Network, LLC; Kimberly Craven, Attorney, Indigenous Environmental Network; Eric Pauli, Kari Valley, Paul Lehman, Chuck Burdick, Drew Sudbury, and Kelsey Genung, Northern States Power Company dba Xcel Energy; Nancy Hilding, self; Amy Schaffer, self; Mary Turgeon Wynne, Rosebud Sioux Tribe - Tribal Utility Commission; and Dallas Goldtooth, self.

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

#### Administration

##### **1. Approval of the Minutes of the Commission Meeting Held on November 25, 2014 (Staff: Joy Lashley)**

**Commissioner Nelson moved to approve the minutes of the Commission meeting held on November 25, 2014. 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 48 contacts since the last report was prepared for the November 25, 2014 Commission meeting.

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10 of the contacts involved telecommunication services, 11 of the contacts involved electrical services, 5 of the contacts involved natural gas service, 4 contacts involved cell phone service, 8 contacts were related to the Do Not Call Registry, and 10 contacts were related to issues not regulated by the PUC.

1,752 of the 1,785 complaints received in 2014 have been resolved.

### **Electric**

**1. EL14-040 In the Matter of the Petition of Northern States Power Company dba Xcel Energy for Approval of Its 2013 Demand Side Management Report and 2015 Proposed Demand Side Management Plan (Staff Analysts: Brian Rounds, Darren Kearney; Staff Attorney: Kristen Edwards)**

A lengthy discussion took place regarding docket EL14-040. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2014, December 9, 2014, recording located at:

<http://puc.sd.gov/commission/media/2014/PUC12092014.mp3>

**Commissioner Hanson moved to approve the Company's 2013 DSM Status Report and tracker account, the performance incentive earned for 2013, the DSM program changes for 2015, and the DSM Cost Adjustment Factor of \$0.000510 per kWh with a January 1, 2015, effective date.** Motion carried 3-0.

**2. EL14-080 In the Matter of the Petition of Northern States Power Company dba Xcel Energy for Approval of its 2015 Transmission Cost Recovery Eligibility and Rate Rider Adjustment (Staff Analysts: Patrick Steffensen, Eric Paulson; Staff Attorney: Kristen Edwards)**

Mr. Jim Wilcox, Northern States Power Company dba Xcel Energy (Xcel), asked that the Commission grant approval of its 2015 Transmission Cost Recovery (TCR) Rider rate factor and revised tariff sheet with an effective date of January 1, 2015. Mr. Patrick Steffensen, staff analyst, stated that staff reviewed Xcel's TCR filing, including the 2014 tracker report, the 2015 revenue requirement, and project investments. Mr. Steffensen recommended that the Commission approve the revised 2015 revenue requirements and revised TCR rate of \$0.002417 effective January 1, 2015.

**Commissioner Nelson moved to approve the TCR rate factor and revised tariff sheet with an effective date of January 1, 2015, per staff's recommendation.** Motion carried 3-0.

**3. EL14-092 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Rosebud Electric Cooperative, Inc. and Winner Municipal Electric (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)**

Mr. David Henry, staff analyst, recommended that the Commission approve the proposed electric service territory boundary agreement between Rosebud Electric Cooperative, Inc. and Winner Municipal Electric.

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

**4. EL14-093 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Charles Mix Electric Association, Inc. aka Charles Mix Electric Cooperative, Inc. and Pickstown Municipal Electric (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)**

Mr. David Henry, staff analyst, recommended that the Commission approve the proposed electric service territory boundary agreement between Charles Mix Electric Association, Inc. aka Charles

Mix Electric Cooperative, Inc. and Pickstown Municipal Electric.

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

### **Telecommunications**

**1. TC14-063 In the Matter of the Filing by South Dakota Network, LLC for an Extension of an Exemption from Developing Company Specific Cost-Based Switched Access Rates (Staff Analyst: Brian Rounds; Staff Attorney: Karen Cremer)**

Ms. Darla Roger, Riter, Rogers, Wattier & Northrup, LLP, representing South Dakota Network, LLC (SDN) asked that the Commission approve SDN's request for a waiver. Ms. Karen Cremer, staff attorney, recommended that the Commission grant SDN's request for a waiver to perform a switched access cost study.

**Commissioner Fiegen moved to grant South Dakota Network, LLC's request for a waiver, pursuant to ARSD 20:10:27:02, of the requirement to perform a switched access cost study.** Motion carried 3-0.

**2. TC14-085 In the Matter of the Filing by Onvoy, LLC for Approval to its Access Services Tariff No. 2 (Staff Analyst: Joseph Rezac; Staff Attorney: Karen Cremer)**

Mr. Joseph Rezac, staff analyst, recommended that the Commission grant approval to Onvoy LLC fka Onvoy, Inc. dba Onvoy Voice Service's (Onvoy) request to replace Tariff No. 1 with Tariff No. 2 effective November 11, 2014.

**Commissioner Nelson moved to approve Onvoy, LLC's South Dakota Tariff No. 2 effective November 11, 2014.** Motion carried 3-0.

### **Hydrocarbon Pipeline**

**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 procedural schedule was established by the Commission and can be found in the Order Granting Motion to Define Issues and Setting Procedural Schedule. This Order can be accessed at: <http://www.puc.sd.gov/commission/orders/hydrocarbonpipeline/2014/hp14-001prochrg.pdf>.** The motion to establish the procedural schedule carried 3-0.

**Commissioner Nelson moved to limit discovery to any matter, not privileged, which is relevant to 1) whether the proposed Keystone XL Pipeline continues to meet the fifty permit conditions set forth in Exhibit A to the Amended Final Decision and Order; Notice of Entry issued on June 29, 2010, in Docket HP09-001, or 2) the proposed changes to the Findings of Fact in the Decision identified in Keystone's Tracking Table of Changes attached to the Petition as Appendix C, that it shall not be grounds for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence, and that parties shall identify by number and letter the specific Condition or Finding of Fact addressed.** Motion carried 2-1. Commissioner Fiegen dissented.

There being no further business, at the hour of 12:19 p.m. the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley

Joy Lashley

Administrative Assistant

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December 9, 2014