

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

**South Dakota Public Utilities Commission Meeting**  
**September 30, 2014, at 9:30 A.M. CDT**  
**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, Brittany Mehlhaff, Eric Paulson, Patrick Steffensen, David Henry, Robin Meyerink, and Joseph Rezac; Consumer Affairs Supervisor: Deb Gregg; and Staff: Katlyn Gustafson

Also present were:

Darla Rogers, Riter, Rogers, Wattier & Northrup, LLP, representing South Dakota Network, LLC; John Harter, Self; Vi Waln, Self; Paul Seamans, Dakota Rural Action; Mary Bear Heels-McGowan, Rosebud Sioux Tribe; Paula Antoine, RST, Sicangu Oyate Land Office; Gary Dorr, Rosebud Sioux Tribe, Shield the People; Wayne Fredericks, Tribal member; Joye Braun, Cheyenne River Sioux Tribal member; Morgan Brings Plenty, Cheyenne River Sioux Tribal member; and Floyd Braun, Aleut Nation, SD Resident

Joining the meeting by telephone were:

Staff Analyst: Darren Kearney; James Moore, Woods, Fuller, Shultz and Smith P.C., representing TransCanada Keystone Pipeline, LP; Jason Topp, Qwest Corporation dba CenturyLink QC; Brad Schardin, Southeastern Electric Cooperative, Inc.; Richard Thayer, Level 3 Communications, LLC; Eric Pauli, Northern States Power Company dba Xcel Energy; Jeff Decker, NorthWestern Corporation dba NorthWestern Energy; Carey Roesel, Technologies Management, Inc., representing Native American Telecom, LLC; Scott Swier, Swier Law Office, representing Native American Telecom, LLC; Jeff Holoubeck, Native American Telecom, LLC; Stephen Wald, Partridge Snow & Hahn LLP, representing Native American Telecom, LLC; Lance Steinhart, Lance J.M. Steinhart, P.C., representing New Horizons Communications Corp.; and Marlene Bennett, Consortia Consulting, representing South Dakota Network, LLC

#### **Administration**

##### **1. Approval of the Minutes of the Commission meeting held on **September 16, 2014** (Staff: Joy Lashley)**

**Commissioner Fiegen moved to approve the minutes of the Commission meeting held on September 16, 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 83 contacts since the last report was prepared for the September 16, 2014 Commission meeting.

12 of the contacts involved telecommunication services, 29 of the contacts involved electrical services, 6 of the contacts involved natural gas service, 1 contact involved gas and electric service, 4 contacts involved cell phone service, 14 contacts were related to the Do Not Call Registry, 1 contact was related to One Call, 3 contacts were related to the Keystone XL Pipeline, 3 contacts were related to the Dakota Access Pipeline and 10 contacts were related to issues not regulated by the PUC.

1,380 of the 1,424 complaints received in 2014 have been resolved.

### **Electric**

**1. EL14-077 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Niobrara Electric Association and Black Hills Power (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 Niobrara Electric Association and Black Hills Power.

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

**2. EL14-079 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Northern Electric Cooperative, Inc. and Hecla 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 Northern Electric Cooperative, Inc. and Hecla Municipal Electric.

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

**3. EL14-081 In the Matter of the Joint Request for an Electric Service Territory Boundary Change between Northern States Power Company dba Xcel Energy and Southeastern Electric Cooperative Inc. (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)**

Mr. David Henry, staff analyst, recommended that the Commission approve the joint request for an electric service territory boundary change between Northern States Power Company dba Xcel Energy (Xcel) and Southeastern Electric Cooperative Inc. (Southeastern). Mr. Brad Schardin, Southeastern and Mr. Eric Pauli, Xcel, had no objections to the request.

**Commissioner Nelson moved to approve the joint request for an electric service territory boundary change.** 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 and Darren Kearney; Staff Attorney: Kristen Edwards)**

Ms. Kristen Edwards, staff attorney, recommended that the Commission issue an order extending the filing fee ordered in HP09-001 to account for actual expenses incurred in the processing of HP14-001. Mr. James Moore, Woods, Fuller, Shultz and Smith P.C., representing TransCanada Keystone Pipeline, LP (TransCanada), stated TransCanada had no objections.

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, 2014, September 30, 2014, recording located at:

<http://puc.sd.gov/commission/media/2014/PUC09302014.mp3>.

**Commissioner Nelson moved to issue an order extending the filing fee ordered in HP09-001 to account for actual expenses incurred in the processing of HP14-001.** Motion carried 3-0.

### **Natural Gas**

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**1. NG14-006 In the Matter of the Filing by NorthWestern Corporation dba NorthWestern Energy for Approval of its Tariff Revisions (Staff Analyst: Eric Paulson; Staff Attorney: Karen Cremer)**

Mr. Jeff Decker, NorthWestern Corporation dba NorthWestern Energy (NorthWestern), asked that the Commission approve NorthWestern's proposed tariff revisions to implement the annual fuel retention percentage update with an effective date of October 1, 2014. Mr. Eric Paulson, staff analyst, recommended that the Commission approve the proposed tariff revisions with an effective date of October 1, 2014.

**Commissioner Fiegen moved to approve the proposed tariff revisions effective October 1, 2014.** Motion carried 3-0.

**Telecommunications**

**1. TC11-069 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 Rogers, Riter, Rogers, Wattier & Northrup, LLP, representing South Dakota Network, LLC (SDN), asked that the Commission approve SDN's request for a waiver, pursuant to ARSD 20:10:27:02, of the requirement to perform a switched access cost study. Ms. Karen Cremer, staff attorney, recommended that the Commission approve SDN's request.

**Commissioner Nelson 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. TC14-072 In the Matter of the Application of New Horizons Communications Corp. for a Certificate of Authority to Provide Local Exchange Services in South Dakota (Staff Analyst: Eric Paulson; Staff Attorney: Karen Cremer)**

Mr. Eric Paulson, staff analyst, recommended that the Commission grant the Certificate of Authority to New Horizons Communications Corp. (New Horizons), with the conditions that, for retail purposes, New Horizons not offer any prepaid services, including prepaid calling cards, and not accept or require any deposits or advance payments without prior approval of the Commission and that the applicant be subject to rural safeguards.

**Commissioner Hanson moved to grant New Horizons Communications Corp.'s request for a certificate of authority to provide local exchange services in South Dakota, subject to the conditions recommended by staff.** Motion carried 3-0.

**3. TC14-076 In the Matter of the Filing by Native American Telecom, LLC for Approval of its Access Service Tariff No. 2 (Staff Analyst: Robin Meyerink; Staff Attorney: Karen Cremer)**

Mr. Carey Roesel, Technologies Management, Inc., representing Native American Telecom, LLC (NAT), asked that the Commission approve NAT's proposed initial access tariff. Ms. Robin Meyerink, staff analyst, recommended that the Commission approve NAT's request.

**Commissioner Nelson moved to approve the proposed initial access tariff with an effective date of August 23, 2014, subject to NAT removing the tandem switching language from its tariff.** Motion carried 3-0.

**4. TC14-078 In the Matter of the Approval of an LIS Facility PVU Amendment to an Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Level 3 Communications, LLC (Staff Analyst: Robin Meyerink; Staff Attorney: Kristen Edwards)**

Mr. Jason Topp, Qwest Corporation dba CenturyLink QC (CenturyLink), asked that Commission

approve its LIS Facility PVU Amendment to the Interconnection Agreement between CenturyLink and Level 3 Communications, LLC (Level 3 Communications). Mr. Richard Thayer, Level 3 Communications, LLC, stated Level 3 Communications had no objections. Ms. Robin Meyerink, staff analyst, recommended that the Commission grant approval to the amendment.

**Commissioner Fiegen moved to approve the proposed amendment.** Motion carried 3-0.

There being no further business, at the hour of 10:15 a.m. the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley  
Joy Lashley  
Administrative Assistant  
[puc@state.sd.us](mailto:puc@state.sd.us)  
September 30, 2014