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South Dakota Public Utilities Commission Meeting

October 29, 2015, at 9:30 A.M. CDT

Room 414, 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; Commission Counsel: Rolayne Wiest, John Smith, and Karen Cremer; Commission Advisor: Greg Rislov; Staff Attorneys: Kristen Edwards and Adam de Hueck; Staff Analysts: Brian Rounds, Brittany Mehlhaff, Darren Kearney, Eric Paulson, Patrick Steffensen, Joe Rezac, and Lorena Reichert; Consumer Affairs Supervisor: Deb Gregg; and Staff: Katlyn Gustafson.

Also present were:

Cheri Wittler, Court Reporter; William Taylor, Taylor Law Firm, representing TransCanada Keystone Pipeline, LP; Darla Rogers and Margo Northrup, Riter, Rogers, Wattier & Northrup LLP, representing Clarity Telecom, LLC dba Vast Broadband; Tom Welk, Boyce Law Firm, representing Industrial Intervenor (Toshiba America Business Solutions, Inc., Trail King Industries, Inc., and Redfield Energy, LLC); Tom Hitchcock, Redfield Energy, LLC; Cindy Myers, self; Paul Seamans, self; Sabrina King, Dakota Rural Action; Joye Braun, Cheyenne River Sioux Tribe; Morgan Brings Plenty, Cheyenne River Sioux Tribe; Jeff Decker, Bob Rowe, Brian Bird, Kendall Kliewer, Al Brogan, Bleau LaFave, Kristi Wallman, Dennis Wagner, and Pam Bonrud, NorthWestern Corporation dba NorthWestern Energy.

Joining the meeting by telephone were:

Mary Zanter, Pipeline Safety Manager, Marty Kluh, John Staurulakis Inc, representing Clarity Telecom LLC, dba Vast Broadband; Jason Topp, Qwest Corporation dba CenturyLink QC; Troy Kwasniewski, H-D Electric Cooperative, Inc.; Mike Garrey, Humboldt Gas Board; Dave Peterson, Basil Copeland, and Bob Towers, Chesapeake Regulatory Consultants, Inc., representing PUC Staff; Amy Koenig, Don Martinez, Lee DeLange, Mark Carda, and Mike Fredrich, Black Hills Power, Inc.; Jason Sutton, Boyce Law Firm, representing Industrial Intervenor (Toshiba America Business Solutions, Inc., Trail King Industries, Inc., and Redfield Energy, LLC); Talbot Wiczorek, Gunderson, Palmer, Nelson & Ashmore, LLP, representing Wal-Mart Stores, Inc.; Gary Goble, Management Application Consulting, Inc., representing NorthWestern Corporation dba NorthWestern Energy; Matt Rappold, Rappold Law Office, representing Rosebud Sioux Tribe; Peter Capossela, Attorney, representing Standing Rock Sioux Tribe; Jennifer Baker, Fredericks Peebles & Morgan LLP, representing Yankton Sioux Tribe; Bruce Ellison, Ellison Law Office, representing Dakota Rural Action; and Robin Martinez, Martinez, Madrigal & Machicao, LLC, representing Dakota Rural Action.

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 116 contacts since the last report was prepared for the October 13, 2015 Commission meeting.

10 contacts involved telecommunication services, 23 contacts involved electrical services, 6 contacts were related to natural gas service, 5 contacts were related to wireless service, 16 contacts were related to the Do Not Call Registry, 1 contact was related to Wind Energy, 1 contact was related to One Call, 46 contacts were related to the Dakota Access Pipeline, 1 contact was related to the Keystone XL Pipeline and 7 contacts were related to issues not regulated by the PUC.

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

1,722 of the 1,753 complaints received in 2015 have been resolved.

031096

Pipeline Safety**1. PS15-001 In the Matter of the Filing by Commission Pipeline Safety Staff for Approval of a Penalty for a Pipeline Safety Violation by Humboldt Municipal Gas Utilities (Pipeline Safety Inspectors: Mary Zanter, Boice Hillmer; Staff Attorney: Kristen Edwards)**

A lengthy discussion took place regarding docket PS15-001. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2015, October 29, 2015, recording located at:

<http://puc.sd.gov/commission/media/2015/puc10292015.mp3>

Commissioner Fiegen moved to approve the Stipulation, with the amendment that the Stipulation would be extended to two years and after two years of compliance, Staff will request dismissal of the Complaint. In addition, for the second year, the reporting requirement in paragraph 14 will change from monthly reports to biannual reports. Motion carried 3-0.

Electric**1. EL14-061 In the Matter of the Application of Black Hills Power, Inc. for a Permit to Construct a 230 kV Transmission Line from Northeastern Wyoming to the Rapid City Area in South Dakota (Staff Analysts: Brian Rounds, Darren Kearney; Staff Attorney: Karen Cremer)**

Ms. Amy Koenig, Black Hills Power, Inc. (BHP), asked that the Commission grant BHP's request for approval of a material deviation. Ms. Karen Cremer, staff attorney, recommended that the Commission approve BHP's request.

Commissioner Nelson moved to grant BHP's request for approval of a material deviation. Motion carried 3-0.

2. EL15-035 In the Matter of the Joint Request for Service Rights Exception between H-D Electric Cooperative, Inc. and Estelline Municipal Utility (Staff Analyst: Joseph Rezac; Staff Attorney: Adam de Hueck)

Mr. Troy Kwasniewski, H-D Electric Cooperative, Inc. (H-D Electric), asked that the Commission grant approval to the requested service rights exception between Estelline Municipal Utility and H-D Electric. Mr. Joe Rezac, staff analyst, recommended that the Commission approve the service rights exception.

Commissioner Nelson moved to approve the requested service rights exception between Estelline Municipal Utility and H-D Electric Cooperative, Inc. Motion carried 3-0.

3. EL15-042 In the Matter of the Application of Black Hills Power, Inc. for Approval to Extend the Filing Date of Its Energy Efficiency Solutions Plan Status Reports and Updated EESA Cost Recovery Factors (Staff Analyst: Darren Kearney; Staff Attorney: Adam de Hueck)

Mr. Don Martinez, Black Hills Power, Inc. (BHP), asked that the Commission grant approval of an extension, through October 31, 2015, for BHP to file its Energy Efficiency Solutions Plan status reports and Energy Efficiency Solutions Adjustment (EESA) rates. Mr. Darren Kearney, staff analyst, recommended that the Commission approve the requested extension and that the Commission also provide for a continuation of the currently effective EESA rates until the Commission orders otherwise.

Commissioner Fiegen moved to approve the extension, through October 31, 2015, for BHP to file its Energy Efficiency Solutions Plan status reports and Energy Efficiency Solutions Adjustment Rates, and, moved to order that the current Energy Efficiency Solutions Adjustment rates remain in effect until the Commission orders otherwise. 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 Attorneys: Kristen Edwards and Karen Cremer)**

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, October 29, 2015, recording located at:

<http://puc.sd.gov/commission/media/2015/puc10292015.mp3>. During the discussion, it was clarified that Keystone's Motion was in reference to: Exhibits 6001, 6003, 6004, 6005, 6016, 6022, 6024, 6027, 6028, 6030, 6031, 6032, 6034, 6035, 6036, 6037, Cindy Myer's power point presentation, and the Plastic Water Line Survey Results document, as well as other clarifications regarding prefiled and live testimony.

Commissioner Nelson moved to grant Keystone's Motion to Strike Testimony and Exhibits of Cindy Myers as clarified verbally.

Commissioner Hanson moved to amend to exclude Cindy Myers Exhibit 6001 from materials to be excluded. Motion failed 1-2.

Motion carried 3-0.

Telecommunications**1. TC07-078 In the Matter of the Filing by Qwest Corporation for Approval of Withdrawal of Section 252(f) Statement of Generally Available Terms Compliance (Staff Attorney: Karen Cremer)**

Mr. Jason Topp, Qwest Corporation (Qwest nka CenturyLink) (CenturyLink), asked that the Commission dismiss and close the docket. Ms. Karen Cremer, staff attorney, recommended that the Commission approve CenturyLink's request.

Commissioner Fiegen moved to dismiss and close this docket. Motion carried 3-0.

2. TC10-027 In the Matter of Qwest's Performance Assurance Plan Final Report (Staff Analyst: Eric Paulson; Staff Attorney: Adam de Hueck)

Mr. Jason Topp, Qwest, asked that the Commission dismiss and close the docket. Mr. Eric Paulson, staff analyst, recommended that the Commission approve Qwest's request.

Commissioner Nelson moved to dismiss and close this docket. Motion carried 3-0.

3. TC15-061 In the Matter of the Approval of an Amendment to Resale Agreement between Qwest Corporation dba CenturyLink QC and InTTec, Inc. (Staff Analyst: Joseph Rezac; Staff Attorney: Adam de Hueck)

Mr. Jason Topp, Qwest Corporation dba CenturyLink QC (CenturyLink), asked that the Commission grant approval of an amendment to the resale agreement between CenturyLink and InTTec, Inc. Mr. Adam de Hueck, staff attorney, stated that the agreement was properly filed, properly executed, and does not appear to contain discriminatory provisions, and no comments were filed. Mr. de Hueck recommended that the Commission approve request.

Commissioner Hanson moved to approve the amendment to the resale agreement. Motion carried 3-0.

4. TC15-066 In the Matter of the Filing by Clarity Telecom, LLC dba Vast Broadband for

Approval of Revision to its Access Service Tariff No. 3 (Staff Analyst: Lorena Reichert; Staff Attorney: Adam de Hueck)

Darla Rogers, Riter, Rogers, Wattier & Northrup LLP, representing Clarity Telecom, LLC dba Vast Broadband (Clarity), asked that the Commission grant approval to Clarity's tariff revisions. Ms. Lorena Reichert, staff analyst, recommended that the Commission approve Clarity's tariff revisions effective on July 1, 2015.

Commissioner Fiegen moved to approve Clarity Telecom, LLC's Revisions to its Access Service Tariff No. 3 effective July 1, 2015. Motion carried 3-0.

5. TC15-067 In the Matter of the Approval of a Power Reduction Amendment to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and CenturyLink Communications, LLC (Staff Analyst: Patrick Steffensen; Staff Attorney: Adam de Hueck)

Mr. Jason Topp, Qwest Corporation dba CenturyLink QC and CenturyLink Communications, LLC asked that the Commission approve the amendment to the interconnection agreement. Mr. Adam de Hueck, staff attorney, stated that the agreement was properly filed, properly executed, and does not appear to contain discriminatory provisions, and no comments were filed. Mr. de Hueck recommended that the Commission approve request.

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

Electric Continued

4. EL14-106 In the Matter of the Application of NorthWestern Corporation dba NorthWestern Energy for Authority to Increase its Electric Rates (Staff Analysts: Brittany Mehlhaff, Patrick Steffensen, Eric Paulson, Joe Rezac; Staff Attorney: Karen Cremer)

A lengthy discussion took place regarding docket EL14-106. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2015, October 29, 2015, recording located at:

<http://puc.sd.gov/commission/media/2015/puc10292015.mp3>

Commissioner Hanson moved to grant the Joint Motion for Approval of Revised Settlement Stipulation, and approve the rates, tariff sheets, terms and conditions stipulated therein, and approve the Interim Rate Refund Plan. Motion carried 3-0.

There being no further business, at the hour of 12:23 p.m. the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley

Joy Lashley

Administrative Assistant

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October 29, 2015