

**South Dakota Public Utilities Commission Meeting**  
**December 22, 2015, at 9:30 A.M. CST**  
**Room 413, Capitol Building**  
**Pierre, South Dakota**

**NOTE:** If you wish to join this meeting by conference call, please contact the Commission at 605-773-3201 by 5:00 p.m. CST on Monday, December 21, 2015. Lines are limited and are given out on a first come, first served basis, subject to possible reassignment to accommodate persons who must appear in a proceeding. Ultimately, if you wish to participate in the Commission Meeting and a line is not available, you may have to appear in person.

**NOTE:** To listen to the Commission Meeting live please go to the PUC's website [www.puc.sd.gov](http://www.puc.sd.gov) and click on the LIVE link on the home page. The Commission requests persons who will only be listening to proceedings and not actively appearing in a case listen via the web cast to free phone lines for those who have to appear. The Commission meetings are archived on the PUC's website under the Commission Actions tab, Click on "Commission Meeting Archives," to access the recordings.

**NOTE:** Notice is further given to persons with disabilities that this Commission meeting is being held in a physically accessible place. If you have special needs, please notify the Commission and we will make all necessary arrangements.

#### **AMENDED AGENDA OF COMMISSION MEETING**

*Note additional information and question on TC15-062 and additional question in HP14-001*

##### **Administration**

1. Approval of the Minutes of the Commission Meeting Held on December 8, 2015, and the Ad Hoc Meetings held on November 30, and December 10, 2015. (Staff: Joy Lashley)

##### **Consumer Reports**

1. Status Report on Consumer Utility Inquiries and Complaints Received by the Commission (Consumer Affairs: Deb Gregg)

##### **Electric**

1. **EL15-004 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Sioux Valley Energy fka Southwestern Electric Cooperative Inc. and Northern States Power Company dba Xcel Energy (Staff Analyst: Brian Rounds; Staff Attorney: Adam de Hueck)**

On January 14, 2015, Commission Staff filed an Electric Service Territory Boundary Agreement between Sioux Valley Energy aka Southwestern Electric Cooperative Inc. and Northern States Power Company dba Xcel Energy. This filing is made pursuant to current efforts of the PUC to verify electric territory mapping data for conversion to electronic format and use in a Geographic Information System (GIS) database. With the assistance of the above-referenced utilities, Commission Staff has confirmed the service territory boundary shared by these utilities and has prepared updated mapping information. Commission Staff asks for approval of the agreement to update official mapping data to properly reflect the service territory boundaries shared by the utilities in this docket. On December 4, 2015, Commission Staff filed revised Exhibits A and L (page 2) for the Commission's approval.

TODAY, shall the Commission approve the proposed electric service territory boundary agreement?

**2. EL15-023 In the Matter of the Petition for Electrical Service by Dakota Access, LLC to have NorthWestern Energy Assigned as its Electric Provider in the Service Area of Northern Electric Cooperative, Inc. (Staff Analysts: Patrick Steffensen, Eric Paulson; Staff Attorney: Adam de Hueck)**

On June 16, 2015, the Commission received a petition from Dakota Access, LLC (Dakota Access) for a service territory exception pursuant to SDCL 49-34A-56. Dakota Access requests authorization to take electric service from NorthWestern Energy (NorthWestern). Dakota Access states it would be a new customer within the territory of Northern Electric Cooperative, Inc. (Northern Electric). On July 23, 2015, the Commission granted intervention to Northern Electric. On August 21, 2015, Dakota Access responded to Staff's data requests. On October 28, 2015, Dakota Access filed a letter regarding the Electric Distribution Service Agreement with NorthWestern. On December 14, 2015, NorthWestern filed a Petition to Intervene.

TODAY, shall the Commission grant intervention to any parties that may have filed?

**3. EL15-037 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Watertown Municipal Utilities and Codington-Clark Electric Cooperative, Inc. (Staff Analyst: Brian Rounds; Staff Attorney: Adam de Hueck)**

On October 1, 2015, Commission Staff filed an Electric Service Territory Boundary Agreement between Watertown Municipal Utilities and Codington-Clark Electric Cooperative, Inc. This filing is made pursuant to current efforts of the PUC to verify electric territory mapping data for conversion to electronic format and use in a Geographic Information System (GIS) database. With the assistance of the above-referenced utilities, Commission Staff has confirmed the service territory boundary shared by these utilities and has prepared updated mapping information. Commission Staff asks for approval of the agreement to update official mapping data to properly reflect the service territory boundaries shared by the utilities in this docket. On December 9, 2015, Commission Staff filed a revised Exhibit A for the Commission's approval.

TODAY, shall the Commission approve the proposed electric service territory boundary agreement?

**4. EL15-046 In the Matter of the Filing of Northern States Power Company dba Xcel Energy for Approval of Petition of Tariff Revisions to its Customer Data Privacy Tariff (Staff Analyst: Joseph Rezac; Staff Attorney: Adam de Hueck)**

On November 20, 2015, the Commission received a filing from Northern States Power Company dba Xcel Energy (Xcel) for approval of tariff revisions to amend their Electric Rate Book to include data privacy tariff pages. The Company requests it be inserted in Section 1, General Service Rules, of its South Dakota Electric Rate Book.

TODAY, shall the Commission approve Xcel's tariff revisions?

**5. EL15-048 In the Matter of the Filing by Otter Tail Power Company for Approval of Tariff Revisions and Revised Customer Information Booklet (Staff Analysts: Eric Paulson, Deb Gregg; Staff Attorney: Kristen Edwards)**

On December 1, 2015, the Commission received a request from Otter Tail Power Company (Otter Tail) for approval of its updated Customer Information Brochure, pursuant to ARSD 20:10:16:02, and tariff revisions. On December 11, 2015, Otter Tail responded to staff's data request.

TODAY, shall the Commission grant approval of Otter Tail Power Company's revised customer information booklet and tariff revisions?

**6. EL15-050 In the Matter of the Application of Black Hills Power, Inc. for Approval to Extend the Filing Date of Its 2015 Vegetation Management Report Pertaining to the 2016-2018 Budget (Staff Analysts: Brittany Mehlhaff, Patrick Steffensen; Staff Attorney: Kristen Edwards)**

On December 10, 2015, Black Hills Power, Inc. (BHP) filed an application requesting approval for an extension until March 31, 2016, to update the vegetation management budget for 2016 through 2018 based on actual progress to date. Per the Settlement Stipulation in EL12-061, BHP is required to provide an annual report by December 31 of each year to outline the progress made on the overall five-year plan and update the forecast for the remaining years based on actual progress to date. BHP will report on the actual vegetation management activities from December 2014 through November 2015, and the Vegetation Management Regulatory Asset (VMRA) balance as of November 30, 2015, in its 2015 Vegetation Management Report by December 31, 2015. However, BHP requests an extension to provide the vegetation management forecast for 2016 through 2018. BHP states the extension is necessary to allow BHP additional time to evaluate the activities necessary to achieve its goal of trimming the entire distribution system during the five year plan period.

TODAY, shall the Commission approve Black Hills Power, Inc.'s request for an extension until March 31, 2016, to update the vegetation management budget for 2016 through 2018?

**Gas and Electric**

**1. GE15-004 In the Matter of the Filing by MidAmerican Energy Company for the Approval of Its Proposed Energy Efficiency Plan for 2016 (Staff Analyst: Darren Kearney; Staff Attorney: Adam de Hueck)**

On November 20, 2015, the Commission received a filing from MidAmerican Energy Company (MidAmerican) that included the company's proposed Energy Efficiency Plan (EEP) for 2016. Specifically, MidAmerican requested the Commission approve the following modifications to its EEP for 2016: 1.) the inclusion of furnaces and ground source heat pumps in the residential gas and electric equipment programs, with rebates set at 2015 EEP levels, and the associated budget changes, 2.) the removal of clothes washer rebates from the residential equipment program, and 3) an increase in the nonresidential gas and electric equipment program budgets for furnaces and lighting.

TODAY, shall the Commission approve the requested modifications to MidAmerican Energy Company's 2016 Energy Efficiency Plan?

**Natural Gas**

**1. NG15-007 In the Matter of the Filing by Montana-Dakota Utilities Co. for Approval of Modifications to its Conservation Portfolio Plan for 2016 and 2017 (Staff Analysts: Darren Kearney, Joseph Rezac; Staff Attorney: Adam de Hueck)**

On December 7, 2015, the Commission received a filing from Montana-Dakota Utilities Co. (MDU) that requested approval of modifications to the company's Natural Gas Conservation Portfolio Plan for 2016 and 2017. Specifically, MDU is requesting approval to include an Energy Audit program in its Natural Gas Conservation Portfolio for 2016 and 2017, beginning on January 1, 2016.

TODAY, shall the Commission grant intervention to any parties that may have filed? AND, shall the Commission approve the requested modifications to Montana-Dakota Utilities Co. Natural Gas Conservation Portfolio Plan for 2016 and 2017?

**Telecommunications**

**1. TC13-026 In the Matter of Study Area Boundaries for Incumbent Local Exchange Carriers (Staff Analyst: Brian Rounds; Staff Attorney: Karen Cremer)**

In orders released by the Federal Communications Commission's (FCC) Wireline Competition Bureau, the FCC has added data specifications for the collection of study area boundary data to be used as part of the implementation of certain universal service reforms adopted by the FCC and has concluded that state commissions may certify to the accuracy of study area boundary data and submit it on behalf of incumbent local exchange carriers operating in their states. At its March 26, 2013, meeting, the Commission considered how to proceed regarding the issue of whether the Commission should submit and certify the study area boundary data. The Commission unanimously voted to open a docket to consider these issues and set April 3, 2013, as the deadline for written comments. The Commission further found that it would make its decision at its April 9, 2013, meeting. At its April 9, 2013, meeting, the Commission unanimously voted to provide certification of study area boundary data to the FCC. At its June 18, 2013, meeting, the Commission unanimously voted to certify the study area boundaries and submit them to the FCC. On June 25, 2013, Staff filed a memorandum notifying the Commission that study area boundaries were submitted to the FCC. On January 9, 2014, the FCC issued an Order requiring study area boundary filers to "review and recertify their study area boundary data every two years and provide updated data when study area boundaries change." On March 7, 2014, Commission Staff filed a memorandum requesting the Commission delegate the authority to certify changes as they are made. On March 19, 2014, the Commission issued an order delegating to Staff the authority to certify study area boundaries with certain exceptions. On April 29, 2015, Commission Staff filed a memorandum re-opening the docket to allow the Commission to complete its biannual recertification. On December 11, 2015, Commission Staff filed a memorandum detailing additional boundary changes and recommending approval.

TODAY, shall the Commission approve the current study area boundaries, as described by Staff?

**2. TC15-062 In the Matter of the Application of NextGen Communications, Inc. for a Certificate of Authority to Provide Local Exchange Services and Interexchange Long Distance Services in South Dakota (Staff Analyst: Lorena Reichert; Staff Attorney: Kristen Edwards)**

On August 17, 2015, NextGen Communications, Inc. (NextGen) filed an application for a Certificate of Authority to provide local exchange services and interexchange long distance services throughout South Dakota. Specifically, NextGen seeks to provide VPC and MPC services that involve the aggregation and transport of emergency local, VoIP, telemetric, PBX, and mobile E9-1-1 traffic, the management and transmission of location and calling number data, and the provision of call routing management for the delivery of emergency calls to Public Service Answering Points (PSAPs) throughout South Dakota. On September 1, 2015, the South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. At the September 15, 2015, Commission Meeting, the SDTA was granted intervention. On September 30, October 28, and December 11, 2015, NextGen responded to staff's data requests. NextGen requests that the Commission waive ARSD 20:10:32:03(11) and ARSD 20:10:32:10. On December 17, 2015, SDTA and NextGen filed a Joint Stipulation.

TODAY, shall the Commission grant any waivers requested by NextGen Communications, Inc.? AND, shall the Commission approve the Joint Stipulation? AND, shall the Commission grant a Certificate of Authority to NextGen Communications, Inc.? OR, how shall the Commission proceed?

**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, Karen Cremer)**

On September 15, 2014, the Commission received a filing from TransCanada Keystone Pipeline, LP (Keystone) seeking an order accepting certification of the permit issued in HP09-001. The Commission issued an Amended Final Decision and Order granting a permit to Keystone on June 29, 2010. Because it has been at least four years since the permit was issued, Keystone now seeks

an order accepting certification, per SDCL 49-41B-27. An evidentiary hearing was held from July 27 to August 5, 2015. A final decision has not been issued by the Commission. On November 9, 2015, several intervenors filed a Joint Motion to Dismiss. Within the Joint Motion to Dismiss, a motion was also made to revoke the permit issued in HP09-001. On November 16, 2015, the Commission issued an Order for and Notice of Motion Hearing setting the intervenors' Joint Motion to Dismiss for hearing at the Commission's regular meeting on December 22, 2015.

On December 18, 2015, Dakota Rural Action (DRA) filed Dakota Rural Action's Motion to Supplement Administrative Record. In its Motion to Supplement Administrative Record, DRA asks the Commission to take administrative notice of a Notice of Probable Violation filed by the Pipeline and Hazardous Materials Safety Administration and supplement the administrative record with the same.

TODAY, shall the Commission take administrative notice as requested by DRA? AND, shall the Commission grant DRA's Motion to Supplement Administrative Record? AND, shall the Commission grant the Joint Motion to Dismiss? AND, shall the Commission grant the Motion to Revoke the permit issued in HP09-001?

#### **Items for Commission Discussion**

#### **Announcements**

1. The PUC offices will be closed beginning at Noon CST, Thursday, December 24 through Friday, December 25, 2015, in observance of the Christmas holiday.
2. The PUC offices will be closed Friday, January 1, 2016, in observance of New Year's Day.
3. The next regularly scheduled commission meeting will be Tuesday, January 5, 2016, at 9:30 a.m. CST in Room 413 at the State Capitol Building, Pierre, S.D.
4. Commissioners will attend the Mid-America Regulatory Commissioners Retreat, January 7-9, 2016, at the Menger Hotel, San Antonio, Texas.
5. Commission meetings are scheduled for January 19 and February 1, 2016.

/s/Cindy Kemnitz

Cindy Kemnitz

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December 15, 2015