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South Dakota Public Utilities Commission Meeting

January 5, 2016, at 9:30 A.M. CST

Room 413, Capitol Building

Pierre, South Dakota

MINUTES OF THE COMMISSION MEETING

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

Also present were:

William Taylor, Taylor Law Firm, representing TransCanada Keystone Pipeline, LP; James Moore, Woods, Fuller, Shultz and Smith P.C., representing TransCanada Keystone Pipeline, LP; Rich Coit, South Dakota Telecommunications Association; Margo Northrup, Riter, Rogers, Wattier & Northrup LLP, representing South Dakota Telecommunications Association; Art Tanderup, self; Helen Tanderup, self; Joye Braun, self; Morgan Brings Plenty LeBeau, self; Paul Seamans, self; Bob Mercer, reporter; John Harter, self; Carolyn Smith, self; Kenton Romero, self; Trenton Casillas, self; Dominic Emery, self; Wicahpi Ksapa, self; Sabrina King, Dakota Rural Action; and James Nord, Associated Press.

Joining the meeting by telephone were:

Commissioner: Gary Hanson; Jeff Decker and Clyde Gross, NorthWestern Corporation dba NorthWestern Energy; Janet Brown and Joe Solana, General Solutions Associates, LLC, representing Stratus Networks, Inc.; Brooks Harlow, Lukas, Nace, Gutierrez & Sachs, LLP, representing Dex Media, Inc.; Sarah Wilson, Dex Media, Inc.; Jason Topp, Qwest Corporation dba CenturyLink QC; Byron and Diana Steskal, self; Gary Dorr, self; Matt Rappold, Rappold Law Office, Rosebud Sioux Tribe; Paul Blackburn, Attorney, representing Bold Nebraska; Peter Capossela, Attorney, representing Standing Rock Sioux Tribe; Thomasina Real Bird, Fredericks Peebles & Morgan LLP, representing Yankton Sioux Tribe; and Travis Clark, Fredericks Peebles & Morgan LLP, representing Cheyenne River Sioux Tribe.

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 37 contacts since the last report was prepared for the December 21, 2015, Commission meeting.

Six contacts involved telecommunications services, 15 contacts involved electrical services, one contact was related to natural gas service, three contacts were related to wireless service, seven contacts were related to the Do Not Call Registry, one contact was related to wind energy, one contact was related to the Dakota Access Pipeline, two contacts were related to the Keystone XL Pipeline, and one contact was related to an issue not regulated by the PUC.

Complaints received in 2014: 1,914 of 1,916 have been resolved.

Complaints received in 2015: 1,990 of 1,995 have been resolved.

Complaints received in 2016: four of seven have been resolved.

Natural Gas

031648

1. NG15-008 In the Matter of the Filing by NorthWestern Corporation dba NorthWestern Energy for Approval of its Tariff Revisions (Staff Analysts: Patrick Steffensen, Eric Paulson; Staff Attorney: Adam de Hueck)

Mr. Jeff Decker, NorthWestern Corporation dba NorthWestern Energy (NorthWestern), asked that the Commission approve NorthWestern's tariff revisions. Mr. Eric Paulson, staff analyst, recommended that the Commission approve NorthWestern's request with less than 30 days' notice, with an effective date of January 1, 2016.

Commissioner Nelson moved to grant approval of the tariff revisions with less than 30 days' notice, effective January 1, 2016. Motion carried 3-0.

Telecommunications

1. TC15-064 In the Matter of the Application of Vitcom, LLC 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)

Ms. Lorena Reichert, staff analyst, stated that staff did not object to Vitcom LLC's request to withdraw its application.

Commissioner Fiegen moved to approve the request for withdrawal. Motion carried 3-0.

2. TC15-068 In the Matter of the Application of Stratus Networks, Inc. for a Certificate of Authority to Provide Interexchange Long Distance Services in South Dakota (Staff Analyst: Lorena Reichert; Staff Attorney: Adam de Hueck)

Ms. Janet Brown, representing Stratus Networks, Inc. (Stratus), asked that the Commission grant approval of Stratus's application for a Certificate of Authority to provide interexchange long distance services throughout South Dakota. Specifically, Stratus proposes to offer resold interexchange services. On November 13, 2015, and December 1, 2015, Stratus responded to staff's data requests. Ms. Lorena Reichert, staff analyst, recommended granting a waiver of the portions of ARSD 20:10:24:02(9) requiring Stratus to provide a cash flow statement. Ms. Reichert also recommended approval of granting the certificate of authority to provide interexchange service with the restriction that Stratus not offer any prepaid services, including prepaid calling cards, and does not accept or require any deposits or advance payments, for retail purposes, without prior approval of the Commission.

Commissioner Hanson moved to grant any waivers requested by Stratus Networks, Inc., and grant Stratus Networks, Inc.'s request for a Certificate of Authority to provide interexchange services in South Dakota, with the restrictions recommended by staff. Motion carried 3-0.

3. TC15-069 In the Matter of the Petition for a Declaratory Ruling by Qwest Corporation dba CenturyLink QC and Dex Media, Inc. regarding Directory Publication (Staff Analyst: Lorena Reichert; Staff Attorney: Adam de Hueck)

A lengthy discussion took place regarding docket TC15-069. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2016, January 5, 2016, recording located at: <http://puc.sd.gov/commission/media/2016/puc01052016.mp3>

Commissioner Nelson moved to defer the docket. 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 Analyst: Darren Kearney; Staff Attorneys: Kristen Edwards, 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, 2016, January 5, 2016, recording located at: <http://puc.sd.gov/commission/media/2016/puc01052016.mp3>.

Commissioner Fiegen moved to accept the certification according to 49-41B-27 and find that the certification is valid. Motion carried 3-0.

There being no further business, at the hour of 10:29 a.m. the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley .

Joy Lashley

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