

**South Dakota Public Utilities Commission Meeting**  
**April 30, 2015, at 9:00 A.M. CDT – NOTE NEW TIME**  
**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. CDT on Wednesday, April 29, 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**

##### **Consumer Reports**

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

##### **Hydrocarbon Pipeline**

- 1. HP14-002 In the Matter of the Application of Dakota Access, LLC for an Energy Facility Permit to Construct the Dakota Access Pipeline (Staff Analysts: Brian Rounds, Darren Kearney; Staff Attorney: Kristen Edwards)**

On December 15, 2014, Dakota Access, LLC (Company) filed a siting permit application pursuant to SDCL 49-41B-4 to construct the South Dakota portion of the proposed Dakota Access Pipeline (Pipeline). The Pipeline will begin in North Dakota and terminate in Patoka, Illinois, traversing 13 counties in South Dakota. The proposed 12- to 30-inch diameter pipeline will have an initial capacity of 450,000 barrels of oil per day with a total potential of up to 570,000 barrels per day. The proposed route will enter South Dakota in Campbell County at the North Dakota/South Dakota border and will extend in a southeasterly direction, exiting the state at the South Dakota/Iowa border in Lincoln County. The length of the Pipeline through South Dakota is approximately 272.3 miles. The Pipeline also includes one pump station in South Dakota, located in Spink County. On December 23, 2014, Dakota Access filed a revised Application and revised Exhibits A and C. A deadline for filing a request for party status was set for February 13, 2015. The Commission granted party status to several parties. On April 20, 2015, the Commission received a Petition for Intervention from South Dakota Association of Rural Water Systems, Inc.

TODAY, shall the Commission grant late intervention to the South Dakota Association of Rural Water Systems, Inc.?

##### **Electric**

- 1. EL15-010 In the Matter of the Filing of Northern States Power Company dba Xcel**

**Energy for Approval of its 2014 Economic Development Activities and 2015 Budget (Staff Analyst: Darren Kearney; Staff Attorney: Karen Cremer)**

On March 16, 2015, Northern States Power Company dba Xcel Energy (Xcel Energy) filed for approval of its 2014 Economic Development Annual Report and 2015 Economic Development Budget. On March 31, 2015, Xcel Energy revised its filing to protect confidential information. The filing included Xcel Energy's report on the 2014 budgeted and actual economic development expenses and provided documentation of the actual expenses incurred. The filing also included a proposed economic development budget for 2015. On April 8, 2015, Xcel Energy filed its responses to staff's data requests.

TODAY, shall the Commission approve Xcel Energy's 2014 Economic Development Report and its 2015 Economic Development Budget?

**Telecommunications**

**1. TC13-027 In the Matter of the Consideration of Eligible Telecommunications Carrier Certification Requirements (Staff Analyst: Brian Rounds; Staff Attorney: Karen Cremer)**

At its March 26, 2013, meeting, the Commission considered whether it should consider revising or waiving any of its ETC requirements, including its June 1, 2013, deadline, in light of the Federal Communications Commission's (FCC's) new annual reporting requirements. At its April 23, 2013, meeting, the Commission voted to waive the June 1 deadline as set forth in ARSD 20:10:32:52 and allow ETCs to file their annual certification petitions on or before July 1. With respect to ARSD 20:10:32:54(1), the Commission found that if an ETC is filing a five-year plan with the FCC and the Commission, that ETC is not required to file a two-year plan pursuant to the Commission's rule. All other ETCs must continue to file their two-year plans. With respect to ARSD 20:10:32:54(2), the Commission found that all ETCs are still required to file progress reports on their previously filed service quality improvement plans; however, the minor differences in this provision as compared to the FCC's similar progress report provision are waived. With respect to ARSD 20:10:32:54(4) and (5), the Commission waived the portions of these subdivisions that are not consistent with the federal requirements. With respect to ARSD 20:10:32:54(8) and (9), the Commission waived these requirements in their entirety. On March 26, 2014, SDTA filed a letter seeking clarification to confirm that the previous Order remains in effect and will be deemed applicable to the 2014 state ETC certification process. At its April 16, 2014, meeting, the Commission clarified that the terms of its previous order are still in effect and are applicable to the 2014 ETC certification process. On December 18, 2014, the FCC issued an order that revised its public interest obligations for recipients of high-cost universal service, including the obligation to offer broadband service at a minimum speed. See *In the Matter of the Connect America Fund; ETC Annual Reports and Certifications; Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) from Obsolete ILEC Regulatory Obligations that Inhibit Deployment of Next-Generation Networks*, WC Dockets Nos. 10-90, 14-58, and 14-192, Report and Order (rel. Dec. 18, 2014). The FCC increased the minimum speed standard from 4/1 Mbps to 10/1 Mbps. In its Report and Order, the FCC stated that "[r]ate-of-return carriers are expected to take into account the revised 10/1 Mbps speed standard when considering whether and where to upgrade existing plant in the ordinary course of business and will be required to report on progress toward this goal in annual updates to their five-year service quality plans." *Id.* at para 24. Chairman Nelson requests that the Commission consider whether to provide additional guidance regarding the type of information that must be included in the progress reports, and the maps required to be included in the progress reports. For example, this information could include the requirement that a carrier set forth the broadband speeds available to the carrier's end users. This specific information could include the ability of each carrier to offer the following broadband speeds: (1) at least 25/3 Mbps; (2) at least 10/1 Mbps but less than 25/3 Mbps; (3) at least 4/1 Mbps but less than 10/1 Mbps; (4) at least 1.5 Mbps downstream but less than 4/1 Mbps; (5) less than 1.5 Mbps downstream or none. Each of the categories could show the percentage of a carrier's end users that are able to subscribe to these broadband speeds, with the total of the percentages equal to 100%. At its March 31, 2015, meeting, the Commission clarified that the terms of its previous order are still in effect and are applicable to the 2015 ETC certification process and deferred any action on the issue of whether carriers should provide additional information regarding broadband in order to allow carriers and the Commission to investigate the

issue further

TODAY, shall the Commission provide additional guidance regarding the type of information that must be included in a carrier's progress reports and maps? OR, how shall the Commission proceed?

**2. TC15-004 In the Matter of the Filing by CenturyLink Communications Company, LLC for Approval of Revisions to its Access Service Tariff (Staff Analyst: Joseph Rezac; Staff Attorney: Karen Cremer)**

On April 1, 2015, CenturyLink Communications Company, LLC (CenturyLink) filed for approval of revisions to its South Dakota Access Service Tariff. These revisions change the Intrastate Nonrecurring USOC for the Expedite Order Charge and update tariff references to the CenturyLink Operating Companies Tariff F.C.C. No. 11. Rates and terms will not be impacted.

TODAY, shall the Commission approve the tariff revisions?

**Hydrocarbon Pipeline items continued**

**2. 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)**

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 more than four years since the permit was issued, Keystone now seeks an order accepting certification pursuant to SDCL 49-41B-27. An intervention deadline of October 15, 2014, was set. The Commission granted intervention to several parties. On December 17, 2014, the Commission issued an Order Granting Motion to Define Issues and Setting Procedural Schedule. On April 17, 2015, the Commission issued an Order for and Notice of Evidentiary Hearing specifying that a hearing would be held on May 5-8, 2015, and continuing at 8:00 a.m. on May 6-8, 2015. On April 27, 2015, the Commission granted a Joint Motion for Continuance and Relief from Scheduling Order from Dakota Rural Action, Rosebud Sioux Tribe, Yankton Sioux Tribe, Bold Nebraska, the Cheyenne River Sioux Tribe, and the Standing Rock Sioux Tribe. The evidentiary hearing will no longer be held on May 5-8, 2015. A new date has not yet been set. The Commission has directed Staff to propose alternatives for a procedural schedule going forward. On April 24, 2015, the Commission received Dakota Rural Action, Rosebud Sioux Tribe, Standing Rock Sioux Tribe, Cheyenne River Sioux Tribe, Yankton Sioux Tribe, Indigenous Environmental Network and Bold Nebraska's Joint Motion to Vacate or, In the Alternative, to Clarify or Amend Protective Order (Joint Motion).

*TODAY, shall the Commission grant the Joint Motion? AND, shall the Commission establish an amended procedural schedule? OR, how shall the Commission proceed?*

**Items for Commission Discussion**

**Announcements**

1. The next regularly scheduled commission meeting will be Tuesday, May 12, 2015, at 9:30 a.m. CDT in Room 413 at the State Capitol Building, Pierre, S.D.
2. A public input hearing for docket EL14-106 will be held Thursday, May 14, 2015, at 7:00 p.m. CDT in Meeting Room C-D at the Best Western Kelly Inn, 1607 E. Hwy 50, Yankton, S.D.
3. Commission meetings are scheduled for May 26 and June 11, 2015.

/s/Cindy Kemnitz  
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April 28, 2015