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**South Dakota Public Utilities Commission Meeting**  
**October 28, 2014, at 11:30 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: Commissioner: Chris Nelson; Executive Director: Patty Van Gerpen; Commission Counsel: John Smith and Rolayne Wiest; Commission Advisor: Greg Rislov; Staff Attorneys: Karen Cremer and Kristen Edwards; Staff Analysts: Brian Rounds, Brittany Mehlhaff, Darren Kearney, Eric Paulson, Patrick Steffensen, David Henry, and Joseph Rezac; Consumer Affairs Supervisor: Deb Gregg; and Staff: Katlyn Gustafson

Also present were:

Brett Koenecke, May, Adam, Gerdes and Thompson, LLP, representing Otter Tail Power Company and Northern States Power Company dba Xcel Energy; Margo Northrup, Riter, Rogers, Wattier & Northrup, LLP, representing South Dakota Telecommunications Association; William Taylor and James Moore, Woods, Fuller, Shultz and Smith P.C., representing TransCanada Keystone Pipeline, LP; James White and Jeff Rauh, TransCanada Keystone Pipeline, LP; Bob Mercer, reporter; Kevin Burbach, Associated Press; John Harter, Self; Vi Waln, Self; Paul Seamans, Self/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; Alex Fredrick, self; Wayne Fredericks, Tribal member; Sarah Metcalf, self; Elizabeth Lone Eagle, Self/Pte Ospaye Headman Bud Lone Eagle, Sr.; Tatanka Itancan Long Eagle, self/Pte Ospaye; Merle John Lone Eagle, Zora Lone Eagle, self/Pte Ospaye; Jane KleeB, Bold Nebraska; Lewis Grass Rope, self; Faith Spotted Eagle, Yankton Sioux Tribe/ Ihauktonwan; Sabrina King, Dakota Rural Action; Laverne Novotny, self; Phyllis Cole-Dai, self; Eric Antoine, Rosebud Sioux Tribe; Carla Marshall, Clean Water Alliance & SDCEDSU; Kevin Keckler, Cheyenne River Sioux Tribe; Dallas Goldtooth, Indigenes Environmental Network; Bonny Kilmurry, self; Cindy Myers, self; Terry Frisch, self; Byron Steskal, self; Bruce Boettcher, self

Joining the meeting by telephone were:

Commissioner: Kristie Fiegen; Tom Hillstrom, Northern States Power Company dba Xcel Energy; Jennifer Frewer, Crown Castle NG Central LLC; Jennifer Moore, Tina Yoder, and Chuck Rea, MidAmerican Energy Company; Bruce Ellison, Law Office of Bruce Ellison, representing Dakota Rural Action; Ben Gotschall, Bold Nebraska; Tony Rogers, Rosebud Sioux Tribe – Tribal Utility Commission; Thomasina Real Bird, Yankton Sioux Tribe; Jamie Henn, 350.org; Amy Schaffer, self; and Nancy Hilding, self

#### Administration

##### **1. Approval of the Minutes of the Commission meeting held on September 30, 2014 (Staff: Joy Lashley)**

**Commissioner Nelson moved to approve the minutes of the Commission meeting held on September 30, 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 186 contacts since the last report was prepared for the September 30, 2014 Commission meeting.

26 of the contacts involved telecommunication services, 82 of the contacts involved electrical

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services, 16 of the contacts involved natural gas service, 1 contact involved gas and electric service, 5 contacts involved cell phone service, 27 contacts were related to the Do Not Call Registry, 2 contacts were related to the Grain Warehouse Division, 13 contacts were related to the Keystone XL Pipeline, 1 contact was related to the Dakota Access Pipeline and 13 contacts were related to issues not regulated by the PUC.

1,589 of the 1,610 complaints received in 2014 have been resolved.

### **Electric**

**1. EL14-083 In the Matter of the Joint Request by Otter Tail Power Company and Northern States Power Company dba Xcel Energy for Approval to Transfer Permit for 345kV Transmission Facilities to Joint Ownership (Staff Analysts: Brian Rounds and Darren Kearney; Staff Attorney: Kristen Edwards)**

Mr. Brett Koenecke, May, Adam, Gerdes and Thompson, LLP, representing Otter Tail Power Company (OTP) and Northern States Power Company dba Xcel Energy (Xcel Energy), stated that OTP had no objection to the extension of the filing fee and asked that the Commission approve the joint request to transfer that portion of the permit authorizing construction of a 345kV transmission line to reflect joint ownership between OTP and Xcel Energy. Mr. Tom Hillstrom, Xcel Energy, stated Xcel Energy had no objections. Ms. Kristen Edwards, staff attorney, recommended that the Commission approve the joint request and issue an order extending the filing fee ordered in EL06-002 to account for actual expenses incurred in processing docket EL14-083, up to the remaining available balance.

**Commissioner Nelson moved to issue an order extending the filing fee ordered in EL06-002 to account for actual expenses incurred in the processing of EL14-083.** Motion carried 3-0.

**Commissioner Nelson moved to issue an order granting the request of OTP and Xcel to transfer permit ownership of that portion the permit granted in EL06-002 authorizing construction of the 345kV transmission line to joint ownership between OTP and Xcel.** Motion carried 3-0.

**2. EL14-084 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Flandreau Municipal Electric and Sioux Valley-Southwestern Electric Cooperative, Inc. dba Sioux Valley Energy (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 Flandreau Municipal Electric and Sioux Valley-Southwestern Electric Cooperative, Inc. dba Sioux Valley Energy.

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

**3. EL14-085 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Montana-Dakota Utilities Co. and Northern Electric Cooperative, Inc. (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 Montana-Dakota Utilities Co. and Northern Electric Cooperative, Inc.

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

### **Gas & Electric**

**1. GE14-001 In the Matter of the Filing by MidAmerican Energy Company for the Approval of Its Reconciliation for 2013 and its Proposed Energy Efficiency Plan for 2014 (Staff Analyst: Darren Kearney; Staff Attorney: Karen Cremer)**

A lengthy discussion took place regarding docket GE14-001. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2014, October 28, 2014, recording located at:

<http://puc.sd.gov/commission/media/2014/PUC10282014.mp3>.

**Commissioner Hanson moved to authorize MidAmerican to spend an additional \$550,142 in the 2014 Gas Residential Equipment program, resulting in a revised 2014 budget of \$1,377,165 for the program.** Motion carried 2-1. Commissioner Nelson dissented.

**Telecommunications**

**1. TC14-081 In the Matter of the Application of Crown Castle NG Central LLC for a Certificate of Authority to Provide Telecommunications Services in South Dakota (Staff Analyst: Joseph Rezac; Staff Attorney: Karen Cremer)**

Ms. Margo Northrup, Riter, Rogers, Wattier & Northrup, LLP, representing South Dakota Telecommunications Association (SDTA), asked that the Commission grant intervention to SDTA. Ms. Jennifer Frewer, Crown Castle NG Central LLC (Crown Castle), stated Crown Castle had no objections to SDTA's request. Ms. Karen Cremer, staff attorney, recommended that the Commission grant SDTA intervention.

**Commissioner Nelson moved to grant intervention to SDTA.** 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)**

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, October 28, 2014, recording located at:

<http://puc.sd.gov/commission/media/2014/PUC10282014.mp3>

**Commissioner Nelson moved to grant intervention and party status to John H. Harter, Rosebud Sioux Tribe – Tribal Utility Commission, Elizabeth Lone Eagle, Paul F. Seamans, Viola Waln, Standing Rock Sioux Indian Tribe, Lewis GrassRope, Jeff Jensen, Nancy Hilding, Gary F. Dorr, Rosebud Sioux Tribe, South Dakota Wildlife Federation, Cheyenne River Sioux Tribe, Jerry D. Jones, Cody Jones, Debbie J. Trapp, Gena M. Parkhurst, Sierra Club, Joye Braun, Yankton Sioux Tribe, Dakota Rural Action, Chastity Jewett and Ronald Fees.** Motion carried 3-0.

**Commissioner Hanson moved to grant intervention and party status to Cindy Myers, Bold Nebraska, Diana L. Steskal, Byron T. Steskal, Amy Schaffer, Robert G. Allpress, Carolyn P. Smith, Arthur R. Tanderup, Terry Frisch, Cheryl Frisch, Louis T. (Tom) Genung, Bruce Boettcher, RoxAnn Boettcher, Wrexie Lainson Bardaglio and Bonny Kilmurry.** Motion carried 3-0.

**Commissioner Hanson moved to grant party status to 350.org.** Motion carried 3-0.

**Commissioner Nelson moved to grant party status to Indigenous Environmental Network and Dallas Goldtooth.** Motion carried 3-0.

**Commissioner Hanson moved to grant party status to Intertribal Council on Utility Policy.**

Motion carried 3-0.

There being no further business, at the hour of 2:14 p.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)

October 28, 2014