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South Dakota Public Utilities Commission Meeting
June 12, 2018, at 9:30 A.M. CDT
Room 413, Capitol Building
Pierre, South Dakota

MINUTES OF THE COMMISSION MEETING

Chairperson Kristie Fiegen called the meeting to order. Present were: Commissioners: Gary Hanson and Chris Nelson; Commission Attorneys: Karen Cremer and Adam de Hueck; Commission Advisor: Staff Attorneys: Amanda Reiss and Kristen Edwards; Staff Analysts: Darren Kearney, Brittany Mehlhaff, Joseph Rezac, Eric Paulson, Patrick Steffensen, and Lorena Reichert; Consumer Affairs Manager: Deb Gregg; and Staff: Katlyn Gustafson.

Present were:

Gordon Woods, South Dakota Intrastate Pipeline Co.; Paul Bachand, Moreno, Lee & Bachand, P.C., representing South Dakota Intrastate Pipeline Co.; Bill Van Camp, Olinger, Lovald, McCahren, Van Camp and Konrad, P.C., representing Ring-Neck Energy & Feed, LLC; Darla Rogers, Riter, Rogers, Wattier & Northrup, LLP, representing South Dakota Rural Electric Association and South Dakota Network, LLC; Jenna Howell and Shawnie Rechtenbaugh, Department of Public Safety/South Dakota 9-1-1 Coordination Board; Lisa Agrimonti, Fredrikson & Byron, P.A., representing Prevailing Wind Park, LLC; and Brett Koenecke, May, Adam, Geredes & Thompson LLP, representing NextGen Communications, Inc. and Montana-Dakota Utilities Co.

Joining the meeting by telephone were:

Jason Topp and Mark Brinton, Qwest Corporation dba CenturyLink QC; Tamie Aberle, Montana-Dakota Utilities Co.; and Andrew Moratzka, Stoel Rives LLP, representing South Dakota Intrastate Pipeline Company.

Administration

1. Approval of the minutes of the Commission meeting held on May 29, 2018. (Staff: Joy Lashley)

Commissioner Nelson moved to approve the minutes of the Commission meeting held on May 29, 2018. 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 40 contacts since the last report was prepared for the May 29, 2018, Commission meeting.

Eight contacts involved telecommunication services, 14 contacts were related to electrical services, two contacts were related to natural gas service, four contacts were related to wireless service, four contacts were related to the Do Not Call Registry and seven contacts were related to issues not regulated by the PUC and one contact was related to One Call.

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

Complaints received in 2018: 572 of the 583 have been resolved.

Electric

1. EL18-026 In the Matter of the Application by Prevailing Wind Park, LLC for a Permit of a Wind Energy Facility in Bon Homme County, Charles Mix County and Hutchinson County, South Dakota, for the Prevailing Wind Park Project (Staff Analysts: Darren Kearney, Jon Thurber; Staff Attorney: Kristen Edwards)

Ms. Kristen Edwards, staff attorney, recommended that the Commission assess Prevailing Wind Park, LLC (Prevailing Wind Park), a filing fee not to exceed \$348,500 with an initial deposit of \$8,000 and authorize the executive director to enter into necessary consulting contracts. Ms. Lisa Agrimonti, Fredrikson & Byron, P.A., representing Prevailing Wind Park, stated Prevailing Wind Park had no objection to the requests.

Commissioner Nelson moved to assess a filing fee not to exceed \$348,500 with an initial deposit of \$8,000 and authorize the executive director to enter into necessary consulting contracts. Motion carried 3-0.

Natural Gas

1. NG17-009 In the Matter of the Application of South Dakota Intrastate Pipeline Company for Authority to Increase its Natural Gas Rates (Staff Analysts: Brittany Mehlhaff, Patrick Steffensen, Eric Paulson; Staff Attorneys: Kristen Edwards, Amanda Reiss)

A lengthy discussion took place for docket NG17-009. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2018, June 12, 2018, recording located at: <http://puc.sd.gov/commission/media/2018/puc06122018.mp3>.

Commissioner Nelson moved to grant the Motion for Second Procedural Schedule. Motion carried 3-0.

Telecommunications

1. TC18-010 In the Matter of the Filing by Ionex Communications North, LLC dba Birch Communications for Approval of its Switched Access Services Tariff No. 7 (Staff Analyst: Lorena Reichert; Staff Attorney: Amanda Reiss)

Ms. Lorena Reichert, staff analyst, recommended that the Commission approve Ionex Communications North, Inc. dba Birch Communications switched access services tariff No. 7

Commissioner Hanson moved to approve Ionex Communications North, LLC's Switched Access Services Tariff No. 7. Motion carried 3-0.

2. TC18-011 In the Matter of the Application of Time Clock Solutions, LLC for a Certificate of Authority to Provide Local Exchange and Interexchange Long Distance Services in South Dakota (Staff Analyst: Eric Paulson; Staff Attorney: Amanda Reiss)

Mr. Eric Paulson, staff analyst, recommended that the Commission approve Time Clock Solutions, LLC's (Time Clock Solutions) request for a certificate of authority to provide Local Exchange and Interexchange Long Distance Services in South Dakota, with the restrictions that, for retail purposes, Time Clock Solutions not offer any prepaid services, including prepaid calling cards, and does not accept or require any deposits or advance payments, without prior approval of the Commission and that Time Clock Solutions be subject to rural safeguards.

Commissioner Fiegen moved to grant Time Clock Solutions, LLC's request for a Certificate of Authority to Provide Local Exchange and Interexchange Long Distance Services in South Dakota with staff's conditions. Motion carried 3-0.

3. TC18-013 In the Matter of the Petition by Department of Public Safety/9-1-1 Coordination Board for a Declaratory Ruling Determining Competitive Local Exchange Carrier Processes for Requesting 9-1-1 Traffic Delivery from Rural Local Exchange Carriers (Staff Analysts: Joseph Rezac, Patrick Steffensen; Staff Attorney: Amanda Reiss)

A lengthy discussion took place for docket TC18-013. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2018, June 12, 2018, recording located at: <http://puc.sd.gov/commission/media/2018/puc06122018.mp3>.

Commissioner Nelson moved to grant intervention to South Dakota Telecommunications Association and NextGen Communications, Inc. Motion carried 3-0.

Commissioner Nelson moved to adopt the procedural schedule proposed by Staff with reply comments due by noon on June 22. Motion carried 3-0.

4. TC18-018 In the Matter of the Filing by Qwest Corporation dba CenturyLink QC for Approval of Revisions to its Access Service Tariff (Staff Analyst: Patrick Steffensen; Staff Attorney: Amanda Reiss)

Mr. Jason Topp, Qwest Corporation dba CenturyLink QC, asked that the Commission approve the tariff revisions effective July 3, 2018. Mr. Patrick Steffensen, staff analyst, recommended that the Commission approve CenturyLink QC's request.

Commissioner Hanson moved to approve the proposed tariff revisions effective July 3, 2018. Motion carried 3-0.

There being no further business, at the hour of 10:14 a.m., the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley

Joy Lashley

Administrative Assistant

[PUC Email](#)

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