

Commission Minutes | [previous page](#)

South Dakota Public Utilities Commission Meeting
August 7, 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: Greg Rislov; Staff Attorneys: Amanda Reiss and Kristen Edwards; Staff Analysts: Darren Kearney, Brittany Mehlhaff, Joseph Rezac, Eric Paulson, Patrick Steffensen, Jon Thurber and Lorena Reichert; Grain Warehouse Manager: Jim Mehlhaff; Consumer Affairs Manager: Deb Gregg; and Staff: Joy Lashley.

Present were:

Cheri Whittler, court reporter; Bob Mercer, reporter; Gary Schumacher, Wilkinson & Schumacher Law Firm, representing grain sellers; Rich Coit, South Dakota Telecommunications Association; Darla Rogers, Riter, Rogers, Wattier & Northrup, LLP, representing West River Telecommunications Cooperative, RT Communications, Inc., Golden West Telecommunications Cooperative, Inc. and RC Technologies; Jesse Linebaugh, Faegre Baker Daniels LLP, representing CHI; Betsy Engelking and Melissa Schmidt, Crocker Wind Farm, LLC; and Steve Vanderbeek, HDR.

Joining the meeting by telephone were:

Eric Pauli, Northern States Power Company dba Xcel Energy; Ken Schlimgen, Central Electric Cooperative; Lisa Agrimonti and Mollie Smith, Fredrikson & Byron, P.A., representing Crocker Wind Farm, LLC; Greg Hubner, self; Karen Jenkins, self; Amanda Hosch, Brian Rybarik, Diane Votino, Jon Palmolea and Neil Hammer, MidAmerican Energy; Rodney Haag, Oahe Electric Cooperative, Inc.; Jeff Decker, NorthWestern Corporation dba NorthWestern Energy; Jason Topp, Qwest Corporation dba CenturyLink QC; Patrick Phipps, Peerless Network of South Dakota, LLC; Phil Apanovitch, ComApp Technologies LLC; Sharon Warren, Inteserra Consulting Group, Inc., representing ComApp Technologies LLC; Robin Thoreson, RC Technologies; Denny Law and Jill Reinert, Golden West Telecommunications Cooperative, Inc.; Jason Hendricks, RT Communications, Inc.; Michelle Perreault and Troy Schilling, West River Telecommunications Cooperative; Ryan Thompson, Santel Communications Cooperative Inc.; and Pat Mastel, Midcontinent Communications.

(NOTE: For the purpose of continuity, these minutes are not necessarily in chronological order.)

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 28 contacts since the last report was prepared for the July 26, 2018, Commission meeting.

Five contacts involved telecommunication services, eight contacts were related to electrical services, two contacts were related to natural gas service, two contacts were related to wireless service, four contacts were related to the Do Not Call Registry, one contact was related to the Grain Warehouse Division and five 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: 846 of the 858 have been resolved.

Electric

1. EL11-011 In the Matter of the Joint Request for an Electric Service Rights Exception between Northern States Power Company dba Xcel Energy and Central Electric Cooperative, Inc. (Staff Analyst: Lorena Reichert; Staff Attorney: Amanda Reiss)

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Mr. Ken Schlimgen, Central Electric Cooperative (Central Electric) and Mr. Eric Pauli, Northern States Power Company dba Xcel Energy (Xcel Energy) asked that the Commission approve the service rights exception between Xcel Energy and Central Electric. Ms. Lorena Reichert, staff analyst, recommended that the Commission approve the request.

Commissioner Hanson moved to approve the requested service rights exception between Xcel Energy and Central Electric Cooperative. Motion carried 3-0.

2. EL17-055 In the Matter of the Application by Crocker Wind Farm, LLC for a Permit of a Wind Energy Facility and a 345 kV Transmission Line in Clark County, South Dakota, for Crocker Wind Farm (Staff Analysts: Darren Kearney, Jon Thurber; Staff Attorneys: Kristen Edwards, Amanda Reiss)

Ms. Mollie Smith, Fredrikson & Byron, P.A., representing Crocker Wind Farm, LLC (Crocker), asked that the Commission approve Crocker's proposal of Steve Vanderbeak as public liaison. Ms. Amanda Reiss, staff attorney, recommended that the Commission approve Crocker's request.

Commissioner Nelson moved to approve Crocker's proposal for public liaison. Motion carried 3-0.

3. 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. Lisa Agrimoniti, Fredrikson & Byron, P.A., representing Prevailing Wind Park, LLC (Prevailing Wind), stated Prevailing Wind does not object to the intervenors or the procedural schedule. Ms. Kristen Edwards, staff attorney, stated staff had no objection. The intervenors did not object to staff's proposed procedural schedule.

Commissioner Nelson moved to grant intervention to any person that may have filed. Motion carried 3-0.

Commissioner Fiegen moved to grant the Motion for Adoption of the Procedural Schedule. Motion carried 3-0.

4. EL18-030 In the Matter of the Filing by MidAmerican Energy Company for Approval of Tariff Revisions to its Rates for Cogeneration and Small Power Production Facilities (Staff Analyst: Brittany Mehlhaff; Staff Attorney: Amanda Reiss)

Mr. Brian Rybarik, MidAmerican Energy Company (MidAmerican), asked that the Commission approve MidAmerican's tariff revisions effective August 15, 2018. Ms. Brittany Mehlhaff, staff analyst, recommended that the Commission approve the request.

Commissioner Hanson moved to approve MidAmerican's tariff revisions with an effective date of August 15, 2018. Motion carried 3-0.

5. EL18-032 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between West Central Electric Cooperative, Inc. and City of Pierre (Staff Analyst: Darren Kearney; Staff Attorney: Amanda Reiss)

Mr. Darren Kearney, staff analyst, recommended that the Commission approve the electric service territory boundary agreement between West Central Electric Cooperative, Inc. and City of Pierre.

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

6. EL18-033 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Oahe Electric Cooperative, Inc. and City of Pierre (Staff Analyst: Darren Kearney; Staff Attorney: Amanda Reiss)

Mr. Rodney Haag, Oahe Electric Cooperative, Inc. (Oahe Electric), asked that the Commission approve the electric service territory boundary agreement between Oahe Electric and the City of

Pierre. Mr. Darren Kearney, staff analyst, recommended that the Commission approve the electric service territory boundary agreement

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

Grain

1. GW17-002 In the Matter of the Grain Buyer Bond of H & I Grain of Hetland, Inc. (Grain Warehouse Manager: James Mehlhaff; Staff Attorneys: Kristen Edwards, Amanda Reiss)

A lengthy discussion took place regarding docket GW17-002. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2018, August 7, 2018, recording located at: <http://puc.sd.gov/commission/media/2018/puc08072018.mp3>.

Commissioner Hanson moved to grant the petition to take receivership.

Commissioner Nelson made a substitute motion that the Public Utilities Commission, pursuant to SDCL 49-45-16.1, request permission from the circuit court to take receivership of H & I Grain of Hetland, Inc. for the sole purpose of selling the corporation to a consortium of individuals and entities who have not been fully paid for grain sold to H&I Grain. Motion carried 3-0.

Natural Gas

1. NG18-010 In the Matter of the Filing by NorthWestern Corporation dba NorthWestern Energy for Approval of a Contract with Deviations with Dakota Ethanol, LLC (Staff Analyst: Lorena Reichert; Staff Attorney: Amanda Reiss)

Mr. Jeff Decker, NorthWestern Corporation dba NorthWestern Energy (NorthWestern), asked that the Commission approve NorthWestern's contract with deviations with Dakota Ethanol, LLC (Dakota Ethanol). Ms. Lorena Reichert, staff analyst, recommended that the Commission approve the request.

Commissioner Hanson moved to approve NorthWestern Energy's contract with deviations with Dakota Ethanol, LLC and the associated tariff revisions. Motion carried 3-0.

Telecommunications

1. TC18-016 In the Matter of the Approval of a Third-Party Transit Provider Amendment to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Peerless Network of South Dakota, LLC (Staff Analyst: Joseph Rezac; Staff Attorney: Kristen Edwards)

Mr. Jason Topp, Qwest Corporation dba CenturyLink QC (CenturyLink) and Mr. Patrick Phipps, Peerless Network of South Dakota, LLC, asked that the Commission approve the amendment to the interconnection agreement. Mr. Joseph Rezac, staff analyst, recommended that the Commission approve the request.

Commissioner Fiegen moved to approve the Amendment to the Interconnection Agreement. Motion carried 3-0.

2. TC18-020 In the Matter of the Application of ComApp Technologies LLC for a Certificate of Authority to Provide Interexchange Long Distance Services as an Alternative Operator Service (Staff Analyst: Eric Paulson; Staff Attorney: Amanda Reiss)

Mr. Phil Apanovitch, ComApp Technologies LLC (ComApp), asked that the Commission approve ComApp's Certificate of Authority. Mr. Eric Paulson, staff analyst, recommended that the commission grant the requested waivers for ARSD 20:10:24:05(3), (5) and (6). Mr. Paulson also recommended that the Commission grant ComApp's request for a certificate of authority for interexchange and alternative operator services.

Commissioner Hanson moved to grant ComApp Technologies LLC a Certificate of Authority to provide interexchange long distance services as an alternative operator service and grant the requested waivers. Motion carried 3-0.

3. TC18-055 In the Matter of the Filing by Midcontinent Communications for Approval of Revisions to its Access Services Tariff (Staff Analyst: Patrick Steffensen; Staff Attorney: Kristen Edwards)

Mr. Pat Mastel, Midcontinent Communications (Midco), asked that the Commission approve Midco's tariff revisions. Mr. Patrick Steffensen, staff analyst, recommended that the Commission approve Midco's request.

Commissioner Nelson moved to approve the revisions to Midcontinent Communication's Access Services Tariff. Motion carried 3-0.

4. In the Matter of Request for Certification Regarding the Use of Federal Universal Service Support in Dockets TC18-027, TC18-029, TC18-033, TC18-034, TC18-036, TC18-043, TC18-046 and TC18-053.

TC18-027 In the Matter of the Request of RC Technologies for Certification Regarding Its Use of Federal Universal Service Support (Study Area: 391674) (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

Ms. Darla Rogers, Riter, Rogers, Wattier & Northrup, LLP, representing RC Technologies (Company), asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Eric Paulson, staff analyst, recommended that the Commission grant the Company's request.

TC18-029 In the Matter of the Request of Golden West Telecommunications Cooperative, Inc. for Certification Regarding Its Use of Federal Universal Service Support (Study Areas: Armour-391640, Golden West Telecom-391659, Kadoka-391667, Sioux Valley-391677, Union-391684, Vivian-391686) (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

Ms. Darla Rogers, Riter, Rogers, Wattier & Northrup, LLP, representing Golden West Telecommunications Cooperative, Inc. (Company), asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Eric Paulson, staff analyst, recommended that the Commission grant the Company's request.

TC18-033 In the Matter of the Request of RT Communications, Inc. Study Area: 512251 for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Patrick Steffensen; Staff Attorney: Kristen Edwards)

Ms. Darla Rogers, Riter, Rogers, Wattier & Northrup, LLP, representing RT Communications, Inc. (Company), asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Patrick Steffensen, staff analyst, recommended that the Commission grant the Company's request.

TC18-034 In the Matter of the Request of West River Telecommunications Cooperative Study Area: Mobridge-391671 for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Patrick Steffensen; Staff Attorney: Kristen Edwards)

Ms. Darla Rogers, Riter, Rogers, Wattier & Northrup, LLP, representing West River Telecommunications Cooperative (Company), asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Patrick Steffensen, staff analyst, recommended that the Commission grant the Company's request.

TC18-036 In the Matter of the Request of Kennebec Telephone Co., Inc. Study Area: 391668 for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Patrick Steffensen; Staff Attorney: Kristen Edwards)

Ms. Marlene Bennett, Consortia Consulting, representing Kennebec Telephone Co., Inc. (Company), asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Patrick Steffensen, staff analyst, recommended that the Commission grant the Company's request.

TC18-043 In the Matter of the Request of Santel Communications Cooperative Inc. for Certification Regarding Its Use of Federal Universal Service Support (Study Area 391676) (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

Mr. Ryan Thompson, Santel Communications Cooperative Inc. (Company), asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Eric Paulson, staff analyst, recommended that the Commission grant the Company's request.

TC18-046 In the Matter of the Request of Fort Randall Telephone Company for Certification Regarding Its Use of Federal Universal Service Support (Study Area 391660) (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

The Commission deferred the docket until the next Commission meeting.

TC18-053 In the Matter of the Request of Midcontinent Communications for Certification Regarding Its Use of Federal Universal Service Support (Study Area: 399005) (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

Mr. Pat Mastel, Midcontinent Communications (Company), asked that the Commission provide certification to the Federal Communications Commission and to the USAC regarding the proper use of federal universal service support. Mr. Eric Paulson, staff analyst, recommended that the Commission grant the Company's request.

In dockets TC18-027, TC18-029, TC18-033, TC18-034, TC18-036, TC18-043 and TC18-053, Commissioner Nelson moved to provide a certification to the Federal Communications Commission and to the Universal Service Administration Company regarding the use of Federal Universal Service Support in the above dockets. Motion carried 3-0.

Items for Commission Discussion

Ms. Brittany Mehlhaff, staff analyst, requested Commission guidance and input regarding a process to reduce the amount of tariff filings required for utilities regarding sample forms. Following discussion with each utility, staff provided to the Commission that it is comfortable with the concept that the tariff would include copies of the forms and a list of approved forms with a link to the company's website where the most current forms can be found, as an alternative to updating the tariff each time a minor change is made to the forms. The form in the tariff and the current version will be materially the same, however, minor edits, such as grammatical corrections could be made. Staff suggests the companies notify staff via email when changes are made to the forms so staff can review the update on the website and determine the changes do not require a tariff change. The company would file for approval when the change affects rates or conditions of service.

Ms. Mehlhaff noted that following discussion at the July 26, 2018, Commission meeting, staff relayed to the utilities the importance of staff having access to the most current forms when dealing with customer contacts either via the tariff or a link to the company's website. Staff's inquiry of the utilities indicated the utilities are supportive of the option for the website link as an alternative to the current practice of updating the tariffs. The Commission indicated support of staff's proposed process.

Public Comment

Chairperson Kristie Fiegen opened the floor to public comments. Those offering public comments about H & I Grain included Frank Virchow, Jerry Peterson, William Bryan, Sherrie Kersting and Chad Murphy.

There being no further business, at the hour of 11:37 a.m., the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley

Joy Lashley
Administrative Assistant

[PUC Email](#)

August 7, 2018