

Commission Minutes | [previous page](#)

**South Dakota Public Utilities Commission Meeting**  
**April 3, 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; Staff Attorneys: Kristen Edwards and Amanda Reiss; Staff Analysts: Patrick Steffensen, Darren Kearney, Brittany Mehlhaff, Eric Paulson, Joseph Rezac and Lorena Reichert; Grain Warehouse: Jim Mehlhaff and Paul Kenefick-Aschoff; Consumer Affairs Manager: Deb Gregg; and Staff: Katlyn Gustafson.

Present were:

Cheri Whittler, Court Reporter; Rich Coit, South Dakota Telecommunications Association; Margo Northrup, Riter, Rogers, Wattier & Northrup, LLP, representing South Dakota Rural Electric Association; and Brett Koenecke, May, Adam, Gerdes & Thompson LLP, representing Crocker Wind Farm, LLC.

Joining the meeting by telephone were:

David Larson, Larson Law PC, representing Oahe Electric Cooperative, Inc.; Rodney Haag, Oahe Electric Cooperative, Inc.; Mollie Smith, Fredrikson & Byron, P.A., representing Crocker Wind Farm, LLC and Dakota Range I, LLC, and Dakota Range II, LLC; Reece Almond, Davenport, Evans, Hurwitz & Smith LLP., representing intervenors; Teresa Kaaz, self; Mark Mauersberger, Apex Clean Energy Holdings, LLC, representing Dakota Range I, LLC and Dakota Range II, LLC; Alan Haman, STAR Energy Services LLC; and Jason Topp, Qwest Corporation dba CenturyLink QC.

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

#### Administration

**1. Approval of the minutes of the Commission meeting held on [March 20, 2018](#). (Staff: Joy Lashley)**

Commissioner Nelson moved to approve the minutes of the Commission meeting held on [March 20, 2018](#). Motion carried 3-0.

#### Consumer Reports

**1. Status Report on Consumer Utility Inquiries and Complaints Received by the Commission (Staff Attorney: Amanda Reiss)**

The Commission received a total of 82 contacts since the last report was prepared for the [March 20, 2018](#), Commission meeting.

Six contacts involved telecommunication services, 53 contacts were related to electrical services, two contacts were related to natural gas service, seven contacts were related to wireless service, two contacts were related to Wind Energy, two contacts were related to the Do Not Call Registry, and nine 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: 342 of the 351 have been resolved.

#### Administration

**1. [AA18-001](#) In the Matter of Clarification of the Commission's ETC Certification Process (Staff Analyst: Joseph Rezac; Staff Attorney: Kristen Edwards)**

A lengthy discussion took place for docket AA18-001. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2018, April 3, 2018, recording located at: <http://puc.sd.gov/commission/media/2018/puc04032018.mp3>.

**Commissioner Nelson moved to grant waivers of ARSD 20:10:32:54(8) and (9), and a waiver of the June 1st filing deadline found in ARSD 20:10:32:52 and allow ETCs to file annual certifications petitions on or before July 2, 2018. Motion carried 3-0.**

### **Electric**

**1. EL17-052 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Oahe Electric Cooperative, Inc. and City of Onida (Staff Analyst: Lorena Reichert; Staff Attorney: Kristen Edwards)**

Mr. David Larson, Larson Law PC, representing Oahe Electric Cooperative, Inc. (Oahe Electric) asked that the Commission approve the amendment to the agreement from EL14-015 between Oahe Electric and the City of Onida. Ms. Lorena Reichert, staff analyst, recommended that the Commission grant approval of the amendment to the agreement.

**Commissioner Fiegen moved to approve the amendment to the agreement from EL14-015. 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)**

A lengthy discussion took place for docket EL17-055. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2018, April 3, 2018, recording located at: <http://puc.sd.gov/commission/media/2018/puc04032018.mp3>.

**Commissioner Nelson moved to grant withdrawal of party status to those who have filed. Motion carried 3-0.**

**3. EL18-003 In the Matter of the Application by Dakota Range I, LLC and Dakota Range II, LLC for a Permit of a Wind Energy Facility in Grant County and Codington County, South Dakota, for the Dakota Range Wind Project (Staff Analysts: Darren Kearney, Jon Thurber; Staff Attorneys: Kristen Edwards, Amanda Reiss)**

A lengthy discussion took place for docket EL18-003. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2018, April 3, 2018, recording located at: <http://puc.sd.gov/commission/media/2018/puc04032018.mp3>.

**Commissioner Hanson moved to grant party status to those who have filed.**

**Commissioner Nelson moved to amend the motion to grant party status to all who had filed excluding Kelly Owen, Kristi Mogen and Wade Bauer. Motion failed 1-2 with Commissioners Fiegen and Hanson dissenting.**

Main Motion carried 3-0.

**Commissioner Nelson moved to issue a procedural schedule as provided by staff with the exception that the final prehearing conference be removed from the schedule, that the evidentiary hearing begin at 1:00 P.M. on June 12th, 2018, and that pre-filed testimony is a pre-requisite to giving live testimony at the hearing. Motion carried 3-0.**

**4. EL18-014 In the Matter of the Approval of Stray Voltage Qualified Testing Professionals (Staff Analyst: Darren Kearney; Staff Attorney: Kristen Edwards)**

Mr. Alan Haman, Star Energy Services, LLC (Star Energy), asked that the Commission approve David Lowell Kvidt and Anthony Albert Kassa as qualified testing professionals for the purpose of conducting stray voltage investigations in South Dakota and approve Alan William Haman, PE, as a qualified testing analyst for the purpose of conducting stray voltage investigations in South Dakota. Ms. Margo Northrup, Riter, Rogers, Wattier & Northrup, LLP, representing South Dakota Rural

Electric Association (SDREA), asked to withdraw SDREA's petition to intervene. Mr. Darren Kearney, staff analyst, recommended that the Commission approve the requests.

**Commissioner Hanson moved to approve David Lowell Kvidt and Anthony Albert Kassa as qualified testing professionals for the purpose of conducting stray voltage investigations in South Dakota and approve Alan William Haman, PE, as a qualified testing analyst for the purpose of conducting stray voltage investigations in South Dakota. Motion carried 3-0.**

#### **Gas & Electric**

**1. GE17-003 In the Matter of Staff's Request to Investigate the Effects of the Tax Cuts and Jobs Act on South Dakota Utilities (Staff Analysts: Brittany Mehlhaff, Patrick Steffensen; Staff Attorneys: Kristen Edwards, Amanda Reiss)**

Ms. Brittany Mehlhaff, staff analyst, recommended that the Commission give the executive director authority to enter into necessary consulting contracts.

**Commissioner Fiegen moved to give the executive director authority to enter into necessary consulting contracts. Motion carried 3-0.**

#### **Grain Warehouse**

**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 for docket GW17-002. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2018, April 3, 2018, recording located at: <http://puc.sd.gov/commission/media/2018/puc04032018.mp3>.

**Commissioner Nelson moved to accept staff's recommendation for distributing the bond. Motion carried 3-0.**

#### **Telecommunications**

**1. TC18-007 In the Matter of the Approval of Adoption of the Interconnection Agreement by Native Wireless, LLC of an Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Onvoy Spectrum, LLC (Staff Analyst: Lorena Reichert; Staff Attorney: Amanda Reiss)**

Mr. Jason Topp, Qwest Corporations dba CenturyLink QC, asked that the Commission approve the interconnection agreements in dockets TC18-007, TC18-008 and TC18-009.

Ms. Amanda Reiss, staff attorney, stated that the agreement was properly filed, properly executed, and does not appear to contain discriminatory provisions, and no comments were filed. Ms. Reiss recommended that the Commission grant approval.

**2. TC18-008 In the Matter of the Approval of a Wireline Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Wide Voice, LLC (Staff Analyst: Patrick Steffensen; Staff Attorney: Amanda Reiss)**

Ms. Amanda Reiss, staff attorney, stated that the agreement was properly filed, properly executed, and does not appear to contain discriminatory provisions, and no comments were filed. Ms. Reiss recommended that the Commission grant approval.

**In dockets TC18-007 and TC18-008, Commissioner Hanson moved to approve the interconnection agreements. Motion carried 3-0.**

**3. TC18-009 In the Matter of the Approval of a Carrier Partner for Interconnected VoIP Provider Amendment to an Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Wide Voice, LLC (Staff Analyst: Patrick Steffensen; Staff Attorney: Amanda Reiss)**

Ms. Amanda Reiss, staff attorney, stated that the agreement was properly filed, properly executed, and does not appear to contain discriminatory provisions, and no comments were filed. Ms. Reiss recommended that the Commission grant approval.

**Commissioner Nelson moved to approve the amendment to the interconnection agreement.** Motion carried 3-0.

There being no further business, at the hour of 11:53 a.m., the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley .

Joy Lashley

Administrative Assistant

[PUC Email](#)

April 3, 2018