

Commission Minutes | [previous page](#)

South Dakota Public Utilities Commission Meeting
February 8, 2018, at 2:00 P.M. CST
Room 413, Capitol Building
Pierre, South Dakota

MINUTES OF THE COMMISSION MEETING

Commissioner Gary Hanson called the meeting to order. Present were: Commissioner: Chris Nelson; Commission Attorneys: Karen Cremer and Adam de Hueck; Commission Advisor: Greg Rislov; Staff Attorney: Amanda Reiss; Staff Analysts: Darren Kearney, Eric Paulson, Brittany Mehlhaff, Jon Thurber, Joseph Rezac, Patrick Steffensen and Lorena Reichert; and Staff: Katlyn Gustafson.

Present was:

Brett Koenecke, May, Adam, Gerdes & Thompson LLP, representing Otter Tail Power Company and Northern States Power Company dba Xcel Energy.

Joining the meeting by telephone were:

Chairperson: Kristie Fiegen; Mark Mauersberger, Apex Clean Energy Holdings, LLC; Mollie Smith, Fredrikson & Byron, P.A., representing Dakota Range I, LLC and Dakota Range II, LLC; and Angela Collins, Cahill Gordon & Reindel LLP, representing Birch Communications, Inc.

Administration

1. Approval of the Minutes of the Commission Meeting and the Show Cause Hearing Held on [January 16, 2018](#). (Staff: Joy Lashley)

Commissioner Nelson moved to approve the Minutes of the Commission Meeting and the Show Cause Hearing Held on [January 16, 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 128 contacts since the last report was prepared for the January 16, 2018 Commission meeting.

Twenty-two contacts involved telecommunication services, 49 contacts were related to electrical services, ten contacts were related to natural gas services, one contact was related to gas and electric service, nine contacts were related to wireless service, 16 contacts were related to the Do Not Call Registry, one contact was related to the Keystone XL Pipeline, seven contacts were related to Wind Energy, and 13 contacts were related to issues not regulated by the PUC.

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

Complaints received in 2017: 2,543 of the 2,546 have been resolved.

Complaints received in 2018: 163 of the 169 have been resolved.

Electric

1. [EL17-051](#) In the Matter of the Joint Request for Service Rights Exception between [West Central Electric Cooperative, Inc.](#) and [City of Fort Pierre](#) (Staff Analyst: Darren Kearney; Staff Attorney: Kristen Edwards)

Mr. Darren Kearney, staff analyst, recommended that the Commission approve the requested service rights exception between West Central Electric Cooperative, Inc. and the City of Fort Pierre.

Commissioner Nelson moved to approve the requested service rights exception between [West Central Electric Cooperative, Inc.](#) and [the City of Fort Pierre](#). Motion carried 3-0.

2. EL18-001 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between City of Pierre and City of Fort 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 City of Pierre and City of Fort Pierre.

Commissioner Nelson moved to approve the electric service territory boundary agreement. 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)

Ms. Amanda Reiss, staff attorney, recommended that the Commission assess a filing fee not to exceed \$390,000 with an initial deposit of \$8,000 and authorize the executive director to enter into necessary consulting contracts. Ms. Mollie Smith, Fredrikson & Byron, P.A., representing Dakota Range I, LLC and Dakota Range II, LLC, had no objections to staff's requests.

Commissioner Nelson moved to assess a filing fee not to exceed \$390,000 with an initial deposit of \$8,000 and authorize the executive director to enter into necessary consulting contracts. Motion carried 3-0.

Telecommunications

1. TC17-067 In the Matter of the Application of Birch Communications, Inc. for a Certificate of Authority to Provide Local Exchange and Interexchange Long Distance Services in South Dakota (Staff Analyst: Joseph Rezac; Staff Attorney: Kristen Edwards)

Ms. Angela Collins, Cahill Gordon & Reindel LLP, representing Birch Communications, Inc. (Birch), asked that the Commission approve Birch's Certificate of Authority. Mr. Joseph Rezac, staff analyst, recommended that the Commission approve Birch's request for a certificate of authority for interexchange and local exchange service with the restrictions that Birch not offer any prepaid services, including prepaid calling cards, and does not accept or require any deposits or advance payments, for retail purposes, without prior approval of the Commission and that Birch be subject to rural safeguards.

Commissioner Hanson moved to grant Birch Communications, Inc.'s request for a certificate of authority to provide local exchange and interexchange services in South Dakota. Motion carried 3-0.

2. TC18-001 In the Matter of the Filing by Peerless Network of South Dakota, LLC for Approval of its Switched Access Services Tariff No. 1 (Staff Analyst: Eric Paulson; Staff Attorney: Amanda Reiss)

Commissioner Hanson moved to defer the docket. Motion carried 3-0.

There being no further business, at the hour of 2:22 p.m., the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley .

Joy Lashley

Administrative Assistant

[PUC Email](#)

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