

**South Dakota Public Utilities Commission Meeting
July 25, 2019, at 1:30 P.M. CDT
Room 413, Capitol Building
Pierre, South Dakota**

MINUTES OF THE COMMISSION MEETING

Chris Nelson called the meeting to order. Commission Attorneys: Karen Cremer and Adam de Hueck; Commission Advisor: Greg Rislov; Staff Attorneys: Kristen Edwards and Mikal Hanson; Staff Analysts: Brittany Mehlhaff, Patrick Steffensen, Eric Paulson, Jon Thurber, Joseph Rezac and Lorena Reichert; Consumer Affairs Manager: Deb Gregg; and Staff: Kaitlyn Baucom.

Present were:

Mollie Smith, Fredrikson & Byron, P.A. representing Sweetland Wind Farm, LLC; Brian Riniker, self; Jason Keil and Amanda Thames, Black Hills Power, Inc. dba Black Hills Energy; Steve Kolbeck, Northern States Power Company dba Xcel Energy; Brett Koenecke, May, Adam, Gerdes & Thompson LLP, representing Tatanka Ridge Wind, LLC; Bruce Hanson, Fort Randall Telephone Company; Margo Northrup, Riter, Rogers, Wattier & Northrup, LLP, representing Valley Telecommunications Cooperative Association, Inc., Cheyenne River Sioux Tribe Telephone Authority; Rod Bowar, Kennebec Telephone Co., Inc.; Mark Wengierski and Pat Landess, Sweetland Wind Farm, LLC; Rich Coit, South Dakota Telecommunications Association; Bob Mercer, KELO reporter; Hilary Meyer, SD Game, Fish and Parks; Brian Rounds, AESL Consulting; and Todd Maybee, WEST, Inc.

Joining the meeting by telephone were:

Commissioners: Gary Hanson and Kristie Fiegen; Marlene Bennett, Consortia Consulting, representing Valley Telecommunications Cooperative Association, Inc., Kennebec Telephone Co., Inc. and Beresford Municipal Telephone Company; Mona Thompson, Cheyenne River Sioux Tribe Telephone Authority; Rob O'Neal, Epsilon Associates, Inc., representing Sweetland Wind Farm, LLC; James Groft, James Valley Cooperative Telephone Company, Northern Valley Communications, LLC and James Valley Wireless, LLC; Jim Cremer, Bantz Gosch & Cremer LLC, representing James Valley Cooperative Telephone Company, Northern Valley Communications, LLC and James Valley Wireless, LLC; Miles Schumacher, Lynn, Jackson, Shultz and Lebrun, PC, representing Crowned Ridge Wind, LLC and Crowned Ridge Wind II, LLC; Michele Nielson, Sioux Valley-Southwestern Electric Cooperative; Jeff Decker, NorthWestern Corporation dba NorthWestern Energy; Todd Brink and Kathy Sabers, Black Hills Power, Inc. dba Black Hills Energy; Allen Robish, self; Kristie Mogen, self; Amber Christenson, self; and Todd Hansen, Beresford Municipal Telephone Company.

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

Consumer Reports

1. Status Report on Consumer Utility Inquiries (Consumer Affairs: Deb Gregg)

The Commission received a total of 61 contacts since the last report was prepared for the July 9, 2019 Commission meeting.

6 contacts were related to telecommunication services, 24 contacts were related to electrical services, 1 contact was related to natural gas service, 1 contacts was related to gas and electric

service, 3 contacts were related to wireless service, 8 contacts were related to the Do Not Call Registry, 1 contact was related to One Call and 17 contacts were related to issues not regulated by the PUC.

Contacts received in 2019: 715 of the 730 have been resolved.

Electric

1. **EL19-003** In the Matter of the Application by Crowned Ridge Wind, LLC for a Permit of a Wind Energy Facility in Grant and Codington Counties (Staff Analysts: Darren Kearney, Jon Thurber, Eric Paulson; Staff Attorneys: Kristen Edwards, Amanda Reiss, Mikal Hanson)

A lengthy discussion took place for docket EL19-003. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2019, July 25, 2019, recording located at: <http://puc.sd.gov/commission/media/2019/puc07252019.mp3>.

Commissioner Nelson moved to approve Applicant's proposal of Brian Riniker as a public liaison officer. Motion carried 3-0.

2. **EL19-012** In the Matter of the Application by Sweetland Wind Farm, LLC for Facility Permits for a Wind Energy Facility and a 230-kV Transmission Facility in Hand County, South Dakota for the Sweetland Wind Farm Project (Staff Analysts: Darren Kearney, Jon Thurber, Eric Paulson; Staff Attorneys: Kristen Edwards, Mikal Hanson)

A lengthy discussion took place for docket EL19-012. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2019, July 25, 2019, recording located at: <http://puc.sd.gov/commission/media/2019/puc07252019.mp3>.

Commissioner Fiegen moved to grant the Joint Motion for Approval of Settlement Stipulation and approve the terms and conditions stipulated therein and issue the requested Permits. Motion carried 3-0.

3. **EL19-022** In the Matter of Black Hills Power, Inc. dba Black Hills Energy's Application for Adjustment to Its Cogeneration and Small Power Production Service Simultaneous Net Billing Generation Credit Rate(s) (Staff Analyst: Brittany Mehlhaff; Staff Attorney: Kristen Edwards)

Mr. Jason Keil, Black Hills Power, Inc. dba Black Hills Energy (BHE), asked that the Commission approve the revised tariff sheets and updated generation credit rate effective August 1, 2019. Ms. Brittany Mehlhaff, staff analyst, recommended that the Commission approve BHE's request.

Commissioner Hanson moved to approve the revised tariff sheets and updated generation credit rate, as filed on July 11, 2019, effective August 1, 2019. Motion carried 3-0.

4. **EL19-024** In the Matter of the Joint Request for an Electric Service Boundary Change between Northern States Power Company dba Xcel Energy and Sioux Valley-Southwestern Electric Cooperative, Inc. dba Sioux Valley Energy (Staff Analyst: Lorena Reichert; Staff Attorney: Kristen Edwards)

Mr. Steve Kolbeck, Northern States Power Company dba Xcel Energy and Michele Nielson, Sioux Valley-Southwestern Electric Cooperative, asked that the Commission approve the service territory boundary change. Ms. Lorena Reichert, staff analyst, recommended that the Commission approve the request.

Commissioner Nelson moved to approve the service territory boundary change. Motion carried 3-0.

5. [EL19-026](#) In the Matter of the Application by Tatanka Ridge Wind, LLC for a Permit of a Wind Energy Facility in Deuel County, South Dakota (Staff Analysts: Darren Kearney, Jon Thurber, Joseph Rezac; Staff Attorneys: Kristen Edwards, Amanda Reiss, Mikal Hanson)

Mr. Brett Koenecke, May, Adam, Gerdes & Thompson LLP, representing Tatanka Ridge Wind, LLC (Tatanka), stated Tatanka didn't object to the procedural schedule and filing fee. Ms. Kristen Edwards, staff attorney, recommended that the Commission approve the procedural schedule, authorize the executive director to enter into necessary consulting contracts and assessing the filing fee per statute.

Commissioner Fiegen moved to assess a filing fee not to exceed \$308,000 with an initial deposit of \$8,000, authorize the executive director to enter into necessary consulting contracts, and adopt the procedural schedule filed in the docket. Motion carried 3-0.

6. [EL19-027](#) In the Matter of the Application by Crowned Ridge Wind II, LLC for a Permit of a Wind Energy Facility in Deuel, Grant and Codington Counties (Staff Analysts: Darren Kearney, Jon Thurber, Eric Paulson; Staff Attorney: Kristen Edwards, Amanda Reiss, Mikal Hanson)

Mr. Miles Schumacher, Crowned Ridge Wind II, LLC (Crowned Ridge), stated Crowned Ridge did not object to the filing fee and granting intervention to all the individuals that filed. Ms. Kristen Edwards, staff attorney, recommended that the Commission assess a filing fee not to exceed \$412,500 with an initial deposit of \$8,000 and authorize the executive director to enter into necessary consulting contracts. Staff also didn't object to the interventions.

Commissioner Hanson moved to assess a filing fee not to exceed \$412,500 with an initial deposit of \$8,000, authorize the executive director to enter into necessary consulting contracts and, grant party status to Amber Christenson, Allen Robish, and Kristi Mogen. Motion carried 3-0.

Natural Gas

1. [NG19-006](#) In the Matter of the Filing by NorthWestern Corporation dba NorthWestern Energy for Approval of a Contract with Deviations with Dan & Jerry's Greenhouse (Staff Analyst: Brittany Mehlhaff; Staff Attorney: Amanda Reiss)

Mr. Jeff Decker, NorthWestern Corporation dba NorthWestern Energy (NorthWestern Energy), asked that the Commission approve NorthWestern Energy's contract with deviations with Dan & Jerry's Greenhouse and the associated tariff revisions with an effective date of August 1, 2019. Ms. Brittany Mehlhaff, staff analyst, recommended that the Commission approve the request.

Commissioner Nelson moved to approve NorthWestern Energy's contract with deviations

with Dan & Jerry's Greenhouse and the associated tariff revisions with an effective date of August 1, 2019. Motion carried 3-0.

Telecommunications

1. In the Matter of the Request for Certification Regarding the Use of Federal Universal Service Support in Dockets TC19-020, TC19-021, TC19-022, TC19-025, TC19-026, TC19-027, TC19-028 and TC19-030.

TC19-020 In the Matter of the Request of Valley Telecommunications Cooperative Association, Inc. for Certification Regarding Its Use of Federal Universal Service Support (Study Area: 391685) (Staff Analyst: Joseph Rezac; Commission Attorney: Adam de Hueck)

Ms. Margo Northrup, Riter, Rogers, Wattier & Northrup, LLP, representing Valley Telecommunications Cooperative Association, 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. Joseph Rezac, staff analyst, recommended that the Commission grant the Company's request.

TC19-021 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; Commission Attorney: Karen Cremer)

Mr. Bruce Hanson, Fort Randall Telephone Company (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.

TC19-022 In the Matter of the Request of Kennebec Telephone Co., Inc. for Certification Regarding its Use of Federal Universal Service Support (Study Area 391668) (Staff Analyst: Patrick Steffensen; Commission Attorney: Adam de Hueck)

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.

TC19-025 In the Matter of the Request of James Valley Cooperative Telephone Company for Certification Regarding Its Use of Federal Universal Service Support (Study Area: 391664) (Staff Analyst: Brittany Mehlhaff; Commission Attorney: Karen Cremer)

Mr. Jim Cremer, Bantz Gosch & Cremer LLC, representing James Valley Cooperative Telephone Company (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. Ms. Brittany Mehlhaff, staff analyst, recommended that the Commission grant the Company's request.

TC19-026 In the Matter of the Request of Northern Valley Communications, LLC for Certification Regarding Its Use of Federal Universal Service Support (Study Areas: 399017 and 396340) (Staff Analyst: Brittany Mehlhaff; Commission Attorney: Adam de Hueck)

Mr. Jim Cremer, Bantz Gosch & Cremer LLC, representing Northern Valley Communications, LLC (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. Ms. Brittany Mehlhaff, staff analyst, recommended that the Commission grant the Company's request.

TC19-027 In the Matter of the Request of James Valley Wireless, LLC for Certification Regarding Its Use of Federal Universal Service Support (Study Area: 399014) (Staff Analyst: Brittany Mehlhaff; Commission Attorney: Karen Cremer)

Mr. Jim Cremer, Bantz Gosch & Cremer LLC, representing James Valley Wireless, LLC (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. Ms. Brittany Mehlhaff, staff analyst, recommended that the Commission grant the Company's request.

TC19-028 In the Matter of the Request of Cheyenne River Sioux Tribe Telephone Authority for Certification Regarding its Use of Federal Universal Service Support (Study Area 391647) (Staff Analyst: Patrick Steffensen; Commission Attorney: Adam de Hueck)

Ms. Margo Northrup, Riter, Rogers, Wattier & Northrup, LLP, representing Cheyenne River Sioux Tribe Telephone Authority (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.

TC19-030 In the Matter of the Request of Beresford Municipal Telephone Company for Certification Regarding Its Use of Federal Universal Service Support (Study Area: 391649) (Staff Analyst: Eric Paulson; Commission Attorney: Adam de Hueck)

Ms. Marlene Bennett, Consortia Consulting, representing Beresford Municipal Telephone Company (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 TC19-020, TC19-021, TC19-022, TC19-025, TC19-026, TC19-027, TC19-028 and TC19-030, Commissioner Hanson 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 each of the above dockets. Motion carried 3-0.

There being no further business, at the hour of 2:47 p.m., the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley
Joy Lashley
Administrative Specialist
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July 25, 2019