

**South Dakota Public Utilities Commission Meeting
August 21, 2019, at 1:30 P.M. CDT
Room 413, Capitol Building
Pierre, South Dakota**

MINUTES OF THE COMMISSION MEETING

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

Present were:

Brett Koenecke, May, Adam, Gerdes & Thompson LLP, representing Tatanka Ridge Wind, LLC; Margo Northrup, Riter, Rogers, Wattier & Northrup, LLP, representing RC Technologies; Rich Coit, South Dakota Telecommunications Association; and Brian Rounds, AESL Consulting.

Joining the meeting by telephone were:

Al Koeckeritz, Otter Tail Power Company; Colgan Huber, West River Cooperative Telephone Company; Miles Schumacher, Lynn, Jackson, Shultz and Lebrun, PC, representing Crowned Ridge Wind II, LLC; Bryce Haugen, Otter Tail Power Company; Robin Thoreson, RC Technologies; Jason Sutton, Boyce, Greenfield, Pashby & Welk, LLP, representing Montana-Dakota Utilities Co., a division of MDU Resources, and Otter Tail Power Company; Kavita Maini, KM Energy Consulting, LLC, representing PUC Staff; Andrea Livingston, Nancy Vogel and Pat Mastel, Midcontinent Communications; and AJ Swanson, Arvid J. Swanson, P.C., representing landowners.

Administration

- 1. Approval of minutes of the Commission meeting held on August 6, 2019, and the Ad Hoc meeting held on August 7, 2019. (Staff: Joy Lashley)**

Commissioner Nelson moved to approve the minutes of the Commission meeting held on August 6, 2019, and the Ad Hoc meeting held on August 7, 2019. Motion carried 3-0.

Consumer Reports

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

The Commission received a total of 60 contacts since the last report was prepared for the August 6, 2019, Commission meeting.

Eighteen contacts were related to telecommunication services, nine contacts were related to electrical services, one contact was related to gas and electric service, nine contacts were related to wireless service, seven contacts were related to the Do Not Call Registry, two contacts were related to the TransCanada Keystone Pipeline, two contacts were related to Wind Energy, seven contacts were related to the Grain Warehouse Division and 5 contacts were related to issues not regulated by the PUC.

Contacts received in 2019: 812 of the 834 have been resolved.

Electric

1. [EL13-028](#) In the Matter of the Application of Montana-Dakota Utilities Co. and Otter Tail Power Company for a Permit to Construct the Big Stone South to Ellendale 345 kV Transmission Line (Staff Analyst: Darren Kearney; Staff Attorney: Karen Cremer)

Mr. Jason Sutton, Boyce, Greenfield, Pashby & Welk, LLP, representing Montana-Dakota Utilities Co., a division of MDU Resources, and Otter Tail Power Company (Applicants), asked that the Commission grant the Motion for Release of Road and Public Infrastructure Restoration Bond and authorize the executive director or commission counsel to execute any necessary release documents to release the bond. Ms. Karen Cremer, staff attorney, recommended that the Commission approve the Applicants' request.

Commissioner Hanson moved to grant the Motion for Release of Road and Public Infrastructure Restoration Bond and authorize the executive director or commission counsel to execute any necessary release documents to release the bond. Motion carried 3-0.

2. [EL19-025](#) In the Matter of Otter Tail Power Company's Petition for Approval of Phase-In Rider Rate (Staff Analysts: Brittany Mehlhaff, Patrick Steffensen; Staff Attorney: Kristen Edwards)

Mr. Bryce Haugen, Otter Tail Power Company (Otter Tail), asked that the Commission approve Otter Tail Power Company's Phase-In Rider Rate of 3.345 percent and revised tariff sheets with an effective date of September 1, 2019. Mr. Patrick Steffensen, staff analyst, recommended that the Commission approve Otter Tail's request and Otter Tail's requested future filing and effective dates as proposed in its petition.

Commissioner Fiegen moved to approve Otter Tail Power Company's Phase-In Rider Rate of 3.345 percent and revised tariff sheets with an effective date of September 1, 2019 as well as the future filing and effective dates as explained by staff. Motion carried 3-0.

3. [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)

Ms. Kristen Edwards, staff attorney, stated there were no applications for party status.

4. [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, Lynn, Jackson, Shultz and Lebrun, PC, representing Crowned Ridge Wind II, LLC, (Crowned Ridge Wind II), stated Crowned Ridge Wind II has no objection to the party status. Mr. AJ Swanson, Arvid J. Swanson, P.C., representing Garry Ehlebracht, Steven Greber, Mary Greber, Richard Rall, Amy Rall, and Laretta Kranz, asked that the Commission grant party status to Garry Ehlebracht, Steven Greber, Mary Greber, Richard Rall, Amy Rall and Laretta Kranz.

Commissioner Nelson moved to grant party status to Garry Ehlebracht, Steven Greber, Mary Greber, Richard Rall, Amy Rall, and Laretta Kranz. Motion carried 3-0.

A lengthy discussion took place for docket EL19-027 regarding confidentiality of certain easement language. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2019, August 21, 2019, recording located at:

Commissioner Hanson deferred the matter to allow the parties to submit briefs on the confidentiality issue.

Telecommunications

1. In the Matter of the Request for Certification Regarding the Use of Federal Universal Service Support in Dockets TC19-032, TC19-033 and TC19-035.

TC19-032 In the Matter of the Request of West River Cooperative Telephone Company Certification Regarding Its Use of Federal Universal Service Support (Study Area 391689) (Staff Analyst: Lorena Reichert; Commission Attorney: Adam de Hueck)

Mr. Colgan Huber, West River 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. Lorena Reichert, staff analyst, recommended that the Commission grant the Company's request.

TC19-033 In the Matter of the Request of Midcontinent Communications for Certification Regarding Its Use of Federal Universal Service Support (Study Area: 399005) (Staff Analyst: Lorena Reichert; Commission Attorney: Karen Cremer)

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. Ms. Lorena Reichert, staff analyst, recommended that the Commission grant the Company's request.

TC19-035 In the Matter of the Request of RC Technologies for Certification Regarding Its Use of Federal Universal Service Support (Study Area: 391674) (Staff Analyst: Lorena Reichert; Commission Attorney: Karen Cremer)

Ms. Margo Northrup, 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. Ms. Lorena Reichert, staff analyst, recommended that the Commission grant the Company's request.

In dockets TC19-032, TC19-033 and TC19-035, 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 2:38 p.m., the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley
Joy Lashley
Administrative Specialist
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August 21, 2019