

**South Dakota Public Utilities Commission Meeting
March 17, 2020, at 9:30 A.M. CST
Telephonic
Pierre, South Dakota**

MINUTES OF THE COMMISSION MEETING

Joining the meeting by telephone were:

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

Chris Shaw, Ryan Long, Lisa Peterson, P.J. Martin, Northern States Power Company dba Xcel Energy Company; Jason Topp, Qwest Corporation dba CenturyLink; Kallie Bentz, Katelyn Lynch-Butcher, and Stephanie Olsen, MidAmerican Energy Company; Jay Haley, Kim Wells, Tyler Wilhelm, Richard Lampeter, Sarah Sappington, Mark Thompson & David Gill Crowned Ridge Wind, LLC; Svetlana Fedje & Randy Synsteliën, Otter Tail Power Company; Travis Jacobson, Montana-Dakota Utilities Company; Hilary Morey, South Dakota Game, Fish and Parks; Amber Christenson, self; Kristie Mogen, self; and David Hessler, Hessler Associates, Inc. consultant for South Dakota Public Utilities Commission Staff; Brian Murphy, NextEra Energy Resources, LLC; and Miles Schumacher, Lynn, Jackson, Shultz and Lebrun, PC.

Administration

1. Approval of Minutes of the Commission Meeting Held on March 6, 2020, and the Ad Hoc Commission Meeting Held on February 27, 2020 (Staff: Macy Jo Murren)

Commissioner Nelson moved to approve the minutes of the Commission meetings held on February 27, and March 6, 2020. Motion carried 3-0.

Consumer Reports

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

The Commission received a total of 28 contacts since the last report was prepared for the March 6, 2020 Commission meeting.

Five contacts were related to telecommunication services, four contacts were related to electrical services, two contacts were related to natural gas services, two contacts were related to the Do Not Call Registry, and four contacts were related to issues not regulated by the PUC. The Grain Warehouse program had 11 contacts.

231 of the 237 contacts received in 2020 have been resolved.

Telecommunications

1. [TC20-001](#) In the Matter of the Application by Qwest Corporation dba CenturyLink QC for Approval of Waiver of Switched Access Cost Study (Staff Analyst: Brittany Mehlhaff; Staff Attorney: Amanda Reiss)

Mr. Jason Topp, Qwest Corporation dba CenturyLink QC (CenturyLink), asked that the Commission grant the waiver of the switched access cost study. Ms. Brittany Mehlhaff, staff analyst, recommended the Commission grant CenturyLink's request for a waiver of the requirement to file a switched access cost study until such time as the Commission otherwise orders.

Commissioner Nelson moved to grant the Waiver of the Switched Access Cost Study until such time as the Commission may otherwise order and to direct staff to pursue the possibility of a future rule making. Motion Carried 3-0.

Electric

1. [EL18-004](#) In the Matter of the Petition of Northern States Power Company dba Xcel Energy for Approval of a Proxy Pricing Proposal to Adjust Certain Fuel Clause Rider Power Purchase Costs (Staff Analysts: Brittany Mehlhaff, Jon Thurber; Staff Attorney: Kristen Edwards)

A lengthy discussion took place for docket EL18-004. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2020, March 17, 2020, recording located at: <https://puc.sd.gov/commission/media/2020/puc03172020.mp3>.

Commissioner Fiegen moved to grant the Joint Motion for Approval of Revised Settlement Stipulation and approve the terms and conditions stipulated therein, effective April 1, 2020, with interest applied to the amount to be refunded to Xcel's customers at a rate of 7.22%. Motion carried 3-0.

2. [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)

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, 2020, March 17, 2020, recording located at: <https://puc.sd.gov/commission/media/2020/puc03172020.mp3>.

Commissioner Hanson moved to deny the Intervenors' Motion to Revoke. Motion carried 3-0.

3. [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 Attorneys: Kristen Edwards, Amanda Reiss)

A lengthy discussion took place for docket EL19-027. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2020, March 17, 2020, recording located at: <https://puc.sd.gov/commission/media/2020/puc03172020.mp3>.

Commissioner Nelson moved to grant the permit to construct a wind energy facility to Crowned Ridge Wind II, LLC pursuant to SDCL 49-41B-25 and attach the conditions as found in Staff Exhibit S7.

Commissioner Nelson then moved to amend the main motion with the conditions set forth in Nelson's Proposed Amendments to Staff Exhibit S7.

Commissioner Fiegen moved to amend Commissioner Nelson's motion to amend to include in Permit Condition #26(c) the following: The Public Liaison Officer will assist in contacting non-participating landowners for permission to test noise levels on their property. Motion to amend Commissioner Nelson's motion to amend the main motion carried 3-0.

Commissioner Hanson moved to amend Commissioner Nelson's motion to amend, by revising paragraph 10 of Nelson's Proposed Condition Amendments to add "and SD GF&P" following "Crowned Ridge Wind, LLC". Motion to amend Commissioner Nelson's motion to amend, as amended, carried 3-0.

Commissioner Hanson moved to amend Commissioner Nelson's motion to amend, by revising Permit Condition #29 to supplant "one year" with "two years". Motion to amend Commissioner Nelson's motion to amend failed 1-2.

Commissioner Hanson moved to amend Commissioner Nelson's motion to amend, by leaving in Permit Condition #40 as proposed in Staff Exhibit S7. Motion to amend Commissioner Nelson's motion to amend failed 1-2.

Commissioner Nelson's motion to amend, as amended, carried 3-0.

Commissioner Hanson moved to amend the main motion as amended by revising Permit Condition #22 to supplant "calendar" with "business". Motion to amend the main motion as amended carried 3-0.

Main motion as amended carried 3-0.

4. [EL20-002](#) In the Matter of Commission Staff's Request for an Order to Show Cause regarding Crowned Ridge Wind, LLC (Staff Analysts: Darren Kearney, Jon Thurber, Eric Paulson; Staff Attorneys: Kristen Edwards, Amanda Reiss)

A lengthy discussion took place for docket EL20-002. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2020, March 17, 2020, recording located at:
<https://puc.sd.gov/commission/media/2020/puc03172020.mp3>.

Commissioner Nelson moved to issue an order to show cause and allow staff the flexibility to determine the procedural schedule if needed. Commissioner Fiegen moved to amend the Motion to defer the matter until the appeal has concluded. Motion to amend failed 1-2. Main Motion carried 2-1, Commissioner Fiegen dissenting.

5. [EL20-003](#) In the Matter of the Filing by Otter Tail Power Company for Approval of Tariff Revisions to Its Rates for Small Power Production and Cogeneration (Staff Analyst: Brittany Mehlhaff; Staff Attorney: Amanda Reiss)

Ms. Svetlana Fedje, Otter Tail Power Company, asked that the Commission approve the proposed tariff revisions to its rates for small power production and cogeneration qualifying facilities. Ms. Brittany Mehlhaff, staff analyst, recommended that the Commission approve the tariff revisions as filed on February 27, 2020, with an effective date of April 1, 2020.

Commissioner Hanson moved to approve the proposed revisions to Otter Tail Power Company's rates for Small Power Production and Cogeneration for Qualifying Facilities with an effective date April 1, 2020. Motion carried 3-0.

6. [EL20-006](#) In the Matter of the Filing by MidAmerican Energy Company for Approval of Tariff Revisions to Its 2019 Transmission Cost Recovery Reconciliation and 2020 Transmission Cost Recovery Factors (Staff Analyst: Patrick Steffensen; Staff Attorney: Kristen Edwards)

Ms. Katelyn Lynch-Butcher, MidAmerican Energy Company (MidAmerican), asked that the Commission approve the revised Transmission Cost Recovery rate factors and revised tariff sheet with an effective date of April 2, 2020. Mr. Patrick Steffensen, staff analyst, recommended that the Commission approve MidAmerican's Request.

Commissioner Nelson moved to approve the revised Transmission Cost Recovery rate factors and revised tariff sheet with an effective date of April 2, 2020. Motion carried 3-0.

7. [EL20-009](#) In the Matter of the Filing by Montana-Dakota Utilities Co., a Subsidiary of MDU Resources Group Inc., for Approval of the Annual Update to Its Infrastructure Rider Rate (Staff Analyst: Patrick Steffensen; Staff Attorney: Amanda Reiss)

Mr. Travis Jacobson, Montana-Dakota Utilities Co., a Subsidiary of MDU Resources Group Inc (MDU), asked that the Commission grant a filing fee in the amount of up to \$250,000 to account for actual expenses incurred in review of this filing commencing from the filing date. Ms. Amanda Reiss, staff attorney, requested that the Commission assess MDU's filing fee.

Commissioner Hanson moved to grant a filing fee in the amount of up to \$250,000 to account for actual expenses incurred in review of this filing commencing from the filing date. Motion carried 3-0.

8. [EL20-010](#) In the Matter of the Filing by Montana-Dakota Utilities Co., a Subsidiary of MDU Resources Group Inc., for Approval of the Annual Update to Its Transmission Cost Recovery Rider Rate (Staff Analyst: Brittany Mehlhaff; Staff Attorney: Amanda Reiss)

Ms. Amanda Reiss, staff attorney, requested that the Commission assess a filing fee in the amount of up to \$50,000 to account for actual expenses incurred in review of this filing commencing from the filing date. Mr. Travis Jacobson, Montana-Dakota Utilities Co., a Subsidiary of MDU Resource Group Inc. (MDU), stated MDU did not object to Staff's request.

Commissioner Hanson moved to assess a filing fee in the amount of up to \$50,000 to account for actual expenses incurred in review of this filing commencing from the filing date. Motion carried 3-0.

There being no further business, at the hour of 1:30 p.m., the South Dakota Public Utilities Commission meeting adjourned.

/s/Macy Jo Murren
Macy Jo Murren
Administrative Specialist
puc@state.sd.us
March 17, 2020