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South Dakota Public Utilities Commission Meeting

March 31, 2020, at 9:30 A.M. CDT

Telephonic – *This was the third meeting the commission held telephonically due to concerns surrounding COVID-19.*

Pierre, South Dakota

MINUTES OF THE COMMISSION MEETING

Joining the meeting by telephone were:

Commissioner Gary Hanson called the meeting to order. Present on the phone were:

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, Lorena Reichert, Joe Rezac, and Eric Paulson; Consumer Affairs Manager: Deb Gregg and Staff: Kaitlyn Baucom.

Darla Pollman Rogers, Riter, Rogers, Wattier and Northrup, LLP, representing South Dakota Telecommunications Association; Richard Coit, South Dakota Telecommunications Association ; Mollie Smith, Fredrikson & Byron, P.A., representing Crocker Wind Farm, LLC ; Bill Taylor, Taylor Law Firm, LLC, representing Fall River Solar, LLC; Brett Koenecke, May Adam Gerdes and Thompson, LLP., representing Flying Cow Wind, LLC; Brian Riniker, self ; Jason Keil, Mutch Usera and Cathy Sabers, Black Hills Power Inc. dba Black Hills Energy; Jeff Decker and Pam Bonrud, NorthWestern Corporation dba NorthWestern Energy; Matt Holtzer and Troy Kwasniewski, H-D Electric Cooperative Inc.; Amber Christenson, self; Melissa Schmidt, Geronimo Energy ; Brian Murphy, NextEra Energy Resources, LLC;and Miles Schumacher, Lynn, Jackson, Shultz and Lebrun, PC, representing Crowned Ridge Wind II, LLC.

(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 Manager: Deb Gregg)

The Commission received a total of 44 contacts since the last report was prepared for the March 31, 2020 Commission meeting.

Seven contacts were related to telecommunication services, 16 contacts were related to electrical services, one contact was related to natural gas service, one contact was related to gas and electric service, two contacts were related to wireless services, one contact was related to Wind Energy, six contacts were related to the Do Not Call Registry, and ten contacts were related to issues not regulated by the PUC.

Contacts received in 2020: 271 of the 281 have been resolved.

Administration

1. AA20-001 In the Matter of Clarification of the Commission's ETC Certification Process (Staff Analyst: Lorena Reichert; Staff Attorney: Kristen Edwards)

Ms. Lorena Reichert, staff analyst, recommended that the Commission require ETCs to submit information as required by ARSD 20:10:32:54 with the exception of ARSD 20:10:32:54(8) and (9), which staff recommends the Commission waive, and that the Commission waive the June 1 filing deadline as found in ARSD 20:10:32:52, to July 1, 2020. Mr. Richard Coit, South Dakota Telecommunications Association, did not object to staff's recommendations.

Commissioner Hanson moved that the ETCs shall submit information as required by ARSD 20:10:32:54 with the exception of ARSD 20:10:32:54(8) and (9) which are waived and that the June 1 filing deadline as found in ARSD 20:10:32:52 is waived and ETCs shall file their annual certification petitions on or before July 1, 2020. Motion carried 3-0.

Electric

**Dockets EL14-106 and NG11-003 were heard together .*

1. EL14-106 In the Matter of the Application of NorthWestern Corporation dba NorthWestern Energy for Authority to Increase its Electric Rates (Staff Analysts: Brittany Mehlhaff, Patrick Steffensen, Eric Paulson, Joseph Rezac; Staff Attorney: Amanda Reiss)

Ms. Pam Bonrud, NorthWestern Corporation dba NorthWestern Energy, asked that the Commission grant NorthWestern's request for a one-week grace period for filing its 2020 economic development budget and 2019 expense reports, which would allow it to file on or before April 7, 2020. Ms. Amanda Reiss, staff analyst, recommended that the Commission grant NorthWestern's request.

In dockets EL14-106 and NG11-003, Commissioner Nelson moved to grant NorthWestern's request for an extension for filing its 2020 economic development budget and 2019 expense reports, which would allow it to file on or before April 30, 2020. 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)

Ms. Mollie Smith, Fredrikson & Byron, P.A., representing Crocker Wind Farm, LLC (Crocker), asked that the Commission grant Crocker's Motion to Terminate Public Liaison Services. Ms. Kristen Edwards, staff attorney, recommended that the Commission grant Crocker's request.

Commissioner Fiegen moved to grant Crocker's Motion to Terminate Public Liaison Services. Motion carried 3-0.

3. EL18-038 In the Matter of the Complaint of Energy of Utah, LLC and Fall River Solar, LLC Against Black Hills Power Inc. dba Black Hills Energy for Determination of Avoided Cost (Staff Analysts: Jon Thurber, Darren Kearney, Brittany Mehlhaff; Staff Attorney: Kristen Edwards)

Ms. Cathy Sabers, Black Hills Power Inc. dba Black Hills Energy, briefed the Commission on the agreement made by the parties to postpone the evidentiary hearing originally scheduled to commence on April 14, 2020, until June 3, 2020, due to the current situation with COVID-19. Ms. Sabers further discussed the status of the discovery requests at issue in Black Hills Energy's Motion for Order Compelling Responses to Discovery Requests and recommended the Commission defer acting on the motion at this time. Mr. Bill Taylor, Taylor Law Firm, LLC, representing Fall River Solar, LLC, and Ms. Kristen Edwards, staff attorney, also discussed the hearing postponement and supported Black Hills Energy's request to defer Commission action on Black Hill's Energy's Motion.

Upon request of the parties, Commissioner Hanson deferred the docket until the next Commission meeting to be held on April 14, 2020.

4. EL18-045 In the Matter of the Application of Flying Cow Wind, LLC for a Facility Permit to Construct a 345 kV Transmission Line and Associated Facilities in Deuel County (Staff Analysts: Darren Kearney, Jon Thurber; Staff Attorney: Amanda Reiss)

Mr. Brett Koenecke, May Adam Gerdes and Thompson, LLP representing Flying Cow Wind, LLC (Flying Cow), asked that the Commission grant Flying Cow's Motion to Withdraw Application. Ms. Amanda Reiss, staff attorney, recommended that the Commission grant Flying Cow's request.

Commissioner Nelson moved to grant Flying Cow Wind, LLC's Motion to Withdraw Application without prejudice. Motion carried 3-0.

5. 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)

Mr. Miles Schumacher, Lynn, Jackson, Shultz and Lebrun, PC, representing Crowned Ridge Wind II, LLC (Crowned Ridge), asked that the Commission approve Crowned Ridge's proposal of hiring Brian Riniker as a public liaison officer for the Project. Ms. Amber Christensen, intervenor, supported Crowned Ridge's proposal. Amanda Reiss, staff attorney, recommended that the Commission approve the request.

Commissioner Fiegen moved to approve Applicant's proposal for a public liaison officer. Motion carried 3-0.

6. EL20-008 In the Matter of the Application of Black Hills Power, Inc. dba Black Hills Energy for Approval of Its 2019 Economic Development Report and 2020 Economic Development Plan (Staff Analyst: Brittany Mehlhaff; Staff Attorney: Kristen Edwards)

Mr. Mutch Ulser, Black Hills Power, Inc. dba Black Hills Energy (BHE), asked that the Commission approve BHE's 2019 Economic Development Report and its 2020 Economic Development Plan. Ms. Brittany Mehlhaff, staff analyst, recommended that the Commission approve BHE's request.

Commissioner Hanson moved to approve Black Hills Power, Inc. dba Black Hills Energy's 2019 Economic Development Report and its 2020 Economic Development Plan. Motion carried 3-0.

7. EL20-011 In the Matter of the Joint Request for Service Rights Exception between NorthWestern Corporation dba NorthWestern Energy and H-D Electric Cooperative, Inc. (Staff Analyst: Lorena Reichert; Staff Attorney: Amanda Reiss)

Mr. Troy Kwasniewski, H-D Electric Cooperative and Mr. Jeff Decker, NorthWestern Corporation dba NorthWestern Energy (NorthWestern), asked that the Commission approve the requested service rights exception between NorthWestern and H-D Electric Cooperative Inc. Ms. Lorena Reichert, staff analyst, recommended that the Commission approve the joint request.

Commissioner Nelson moved to approve the requested service rights exception between NorthWestern Energy and H-D Electric Cooperative Inc. Motion carried 3-0.

Natural Gas

1. NG11-003 In the Matter of the Application of NorthWestern Corporation dba NorthWestern Energy for Authority to Increase its Natural Gas Rates (Staff Analyst: Brittany Mehlhaff, Staff Attorney: Amanda Reiss)

Ms. Pam Bonrud, NorthWestern Corporation dba NorthWestern Energy, asked that the Commission grant NorthWestern's request for a one-week grace period for filing its 2020 economic development budget and 2019 expense reports, which would allow it to file on or before April 7, 2020. Ms. Amanda Reiss, staff analyst, recommended that the Commission grant NorthWestern's request.

In dockets EL14-106 and NG11-003, Commissioner Nelson moved to grant NorthWestern's request for an extension for filing its 2020 economic development budget and 2019 expense reports, which would allow it to file on or before April 30, 2020. Motion carried 3-0 .

There being no further business, at the hour of 10:30 a.m., the South Dakota Public Utilities Commission meeting adjourned.

Ms. Macy Jo Murren

Macy Jo Murren
Admin Specialist
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March 31, 2020

