

**South Dakota Public Utilities Commission Meeting
November 26, 2019, at 9:30 A.M. CST
Room 413, Capitol Building
Pierre, South Dakota**

MINUTES OF THE COMMISSION MEETING

Commissioner Chris Nelson called the meeting to order. Commission Attorneys: Karen Cremer and Adam de Hueck; Commission Advisor: Greg Rislov; Staff Attorneys: Kristen Edwards and Amanda Reiss; Staff Analysts: Darren Kearney, Jon Thurber, Patrick Steffensen, Joseph Rezac 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; Kyle White, Jason Keil, Jim Dillon and Brian Munsell, Black Hills Power, Inc. dba Black Hills Energy; Rich Coit, South Dakota Telecommunications Association; Mollie Smith, Fredrikson & Byron, P.A., representing Sweetland Wind Farm, LLC; Mark Wengierski and Pat Landess, Sweetland Wind Farm, LLC; and Brian Rounds, AESL Consulting.

Joining the meeting by telephone were:

Commissioners: Gary Hanson and Kristie Fiegen; Miles Schumacher, Lynn, Jackson, Shultz and Lebrun, PC, representing Crowned Ridge Wind, LLC; Brian Murphy, NextEra Energy Resources, LLC, representing Crowned Ridge Wind, LLC; Michelle Gunderson, Otter Tail Power Company; Jason Topp, Qwest Corporation dba CenturyLink QC; Sara Emery and Jesse Bermel, Tatanka Ridge Wind, LLC; Erin Stitz, Applied Energy Group, representing Black Hills Power, Inc. dba Black Hills Energy; Jana White, Black Hills Power, Inc. dba Black Hills Energy; AJ Swanson, ARVID J. SWANSON, P.C., representing intervenors; Carey Roesel, Inteserra Consulting Group, representing Standard Tandem, LLC; Kali Reeves, Lance J.M. Steinhart, P.C., representing Combined Public Communications, LLC; and Shani Harmon, Orrick, LLP, representing Lookout Solar Park I, LLC.

Administration

1. Approval of the minutes of the Commission meeting held on November 12, 2019. (Staff: Joy Lashley)

Commissioner Fiegen moved to approve the minutes of the Commission meeting held on November 12, 2019. Motion carried 3-0.

Consumer Reports

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

The Commission received a total of 33 contacts since the last report was prepared for the October 12, 2019 Commission meeting.

Four contacts were related to telecommunication services, seven contacts were related to electrical services, one contact was related to natural gas services, one contact was related to gas and electric service, two contacts were related to wireless service, five contacts were related to the Do Not Call Registry, one contact was related to Wind Energy, four contacts were related to the Grain Warehouse Division and eight contacts were related to issues not regulated by the PUC.

Contacts received in 2019: 1,129 of the 1,135 have been resolved.

Electric

1. **EL18-059** In the Matter of Lookout Solar Park I, LLC for a Permit of a Solar Energy Facility in Oglala Lakota County (Staff Analysts: Jon Thurber, Darren Kearney; Staff Attorney: Amanda Reiss).

Ms. Shani Harmon, Orrick, LLP, representing Lookout Solar Park I, LLC (Lookout Solar), asked that the Commission approve Lookout Solar's Motion to Extend the Deadline. Ms. Amanda Reiss, staff attorney, recommended that the Commission approve Lookout Solar's request.

Commissioner Nelson moved to grant Lookout Solar's Motion to Extend the Deadline to February 17, 2020 for Commission Action. Motion carried 3-0.

2. **EL18-060** In the Matter of the Filing by Black Hills Power, Inc. dba Black Hills Energy for Approval of a Renewable Ready Service Tariff and Tariff Revisions to Its Energy Cost Adjustment (Staff Analysts: Brittany Mehlhaff, Patrick Steffensen; Staff Attorney: Kristen Edwards)

A lengthy discussion took place for docket EL18-060. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2019, November 26, 2019, recording located at: <https://puc.sd.gov/commission/media/2019/puc11262019.mp3>.

Commissioner Nelson moved to grant the Joint Motion for Approval of Amended Settlement Stipulation and approve the terms and conditions stipulated therein and approve the tariff sheet as filed with the application to amend, effective December 10, 2019. Motion carried 3-0.

3. **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 Attorney: Kristen Edwards)

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, November 26, 2019, recording located at: <https://puc.sd.gov/commission/media/2019/puc11262019.mp3>.

Commissioner Fiegen moved to grant Applicant's Request for Approval of Transmission Line Adjustments and grant Applicant's Request for Approval of Turbine Model Change and Turbine Adjustments. Motion carried 3-0.

4. **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)

Mr. Brett Koenecke, May, Adam, Gerdes & Thompson LLP, representing Tatanka Ridge Wind, LLC (Tatanka Ridge), asked that the Commission approve Tatanka Ridge's permit for the construction of a wind energy facility to Tatanka Ridge Wind, LLC pursuant to SDCL 49-41B-25. Ms. Kristen

Edwards, staff attorney, recommended that the commission grant the permit subject to the conditions in Staff's November 8, 2019 letter.

Commissioner Nelson moved to grant the permit subject to all conditions previously approved by the Commission, as well as the conditions related to ice throw, whooping cranes, and sound as detailed in Staff's November 8, 2019 letter; and the decommissioning financial security detailed in Nelson Proposed Condition Amendments for Tatanka Ridge filed by Commissioner Nelson on November 26, 2019. 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)

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, 2019, November 26, 2019, recording located at: <https://puc.sd.gov/commission/media/2019/puc11262019.mp3>.

Commissioner Nelson moved to grant the intervenors alternative motion to allow for telephonic testimony participation in the hearing for Mr. Steven Greber's testimony and cross examination with the condition that the testimony can be clearly heard by the Commission and the court reporter. Motion carried 3-0.

6. [EL19-034](#) In the Matter of the Application of Black Hills Power, Inc. dba Black Hills Energy for Approval of a Revision to the Commercial and Industrial Energy Efficiency Solutions Adjustment (EESA) Rates (Staff Analyst: Lorena Reichert; Staff Attorney: Amanda Reiss)

A lengthy discussion took place for docket EL19-034. An audio of the discussion can be found on the PUC website under Commission Actions, Commission Meeting Archives, 2019, November 26, 2019, recording located at: <https://puc.sd.gov/commission/media/2019/puc11262019.mp3>.

Commissioner Nelson moved to approve the status report for Program Year 2018; approve the balancing account for Program Year 2018, including the performance incentive recovery; approve the Energy Efficiency Solutions Adjustment (EESA) rate of \$0.0015/kWh for commercial and industrial services; approve the EESA rate of \$0.0004 for residential services; approve associated and corrected tariff sheets; and accept all recommendations in Staff's memorandum with an effective date of December 1, 2019. Motion carried 3-0.

7. [EL19-037](#) In the Matter of the Filing by Otter Tail Power Company for Approval of Tariff Revisions to Its Ready Check Brochure (Staff Analyst: Lorena Reichert; Staff Attorney: Amanda Reiss)

Commissioner Nelson deferred the docket to a later date.

8. [EL19-038](#) In the Matter of the Filing by Otter Tail Power Company for Approval of Tariff Revisions to Its LED Street and Area Lighting (Staff Analyst: Patrick Steffensen; Staff Attorney: Amanda Reiss)

Ms. Michelle Gunderson, Otter Tail Power Company (Otter Tail), asked that the Commission approve Otter Tail's tariff revisions with an effective date of December 1, 2019. Mr. Patrick Steffensen,

staff analyst, recommended that the Commission approve Otter Tail's request.

Commissioner Hanson moved to approve Otter Tail's tariff revisions with an effective date of December 1, 2019. Motion carried 3-0.

Telecommunications

1. **TC19-046** In the Matter of the Application of Combined Public Communications, LLC for Certificate of Authority to Provide Interexchange Long Distance Services as an Alternative Operator Service (Staff Analyst: Joseph Rezac; Staff Attorney: Amanda Reiss)

Commissioner Nelson deferred the docket to a later date.

2. **TC19-048** In the Matter of the Application of Standard Tandem, LLC for a Certificate of Authority to Provide Local Exchange and Interexchange Long Distance Services in South Dakota (Staff Analyst: Lorena Reichert; Staff Attorney: Amanda Reiss)

Mr. Rich Coit, South Dakota Telecommunications Association (SDTA), asked that the Commission grant intervention to SDTA. Mr. Carey Roesel, Inteserra Consulting Group, representing Standard Tandem, LLC (Standard Tandem), stated Standard Tandem does not object to the request. Ms. Amanda Reiss, staff attorney, stated staff has no objection to the intervention.

Commissioner Hanson moved to grant intervention to any party that may have filed. Motion carried 3-0.

3. **TC19-050** In the Matter of the Approval of Wireless Interconnection Agreement between Qwest Corporation dba CenturyLink QC and CSC Wireless, LLC dba Altice Mobile (Staff Analyst: Joseph Rezac; Staff Attorney: Amanda Reiss)

Mr. Jason Topp, Qwest Corporation dba CenturyLink QC (CenturyLink) asked that the Commission approve the interconnection agreement between CenturyLink QC and CSC Wireless dba Altice Mobile. Ms. Amanda Reiss, staff attorney, stated that the agreement was properly filed, properly executed, and does not appear to contain discriminatory provisions, and no comments were filed. Ms. Reiss recommended that the Commission grant approval.

Commissioner Nelson moved to approve the Interconnection Agreement. Motion carried 3-0.

There being no further business, at the hour of 11:09 a.m., the South Dakota Public Utilities Commission meeting adjourned.

/s/Joy Lashley _____
Joy Lashley
Administrative Specialist
puc@state.sd.us
November 26, 2019