

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION OF
OTTER TAIL CORPORATION D/B/A OTTER TAIL
POWER COMPANY FOR AUTHORITY TO INCREASE EL08-030
ITS ELECTRIC RATES

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Transcript of Proceedings
June 23, 2009

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BEFORE THE PUBLIC UTILITIES COMMISSION,
DUSTY JOHNSON, CHAIRMAN
STEVE KOLBECK, VICE CHAIRMAN
GARY HANSON, COMMISSIONER

COMMISSION STAFF
Rolayne Ailts Wiest
John Smith
Kara Semmler
Greg Rislov
Dave Jacobson
Bob Knadle
Jon Thurber
Tim Binder

APPEARANCES

BRUCE GERHARDSON, appearing on behalf of Otter Tail Power

Reported By Cheri McComsey Wittler, RPR, CRR

1 TRANSCRIPT OF PROCEEDINGS, held in the
2 above-entitled matter, at the State Capitol Building,
3 500 East Capitol Avenue, Pierre, South Dakota, on the
4 23rd day of June, 2009, commencing at 2 o'clock p.m.

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1 CHAIRMAN JOHNSON: We'll come out of recess for
2 the June 23 Public Utilities Commission meeting. There's
3 only one item left on our agenda, electric item number 1,
4 which is Docket EL08-030. This is the Otter Tail
5 Corporation rate case.

6 There has been a Joint Motion for Approval of
7 the Settlement Stipulation filed. So at this time I
8 think it's probably appropriate -- actually since we've
9 got a court reporter and folks listening on the internet
10 maybe before we go any further, why don't we have you
11 introduce the team that's here with Otter Tail, and then
12 we can go ahead and hear any comments that you might have
13 to support the settlement stipulation.

14 MR. GERHARDSON: Thank you, Chair Johnson,
15 Commissioners. With me today --

16 CHAIRMAN JOHNSON: I'm sorry. Let me interrupt.
17 I should double-check and make sure we have the folks on
18 the internet we need to have on. Do we have Bob Towers
19 and Dave Peterson on the line?

20 MR. TOWERS: Yes, we have Bob Towers.

21 MR. PETERSON: And Dave Peterson here too.

22 CHAIRMAN JOHNSON: How are we coming across,
23 gentlemen?

24 MR. PETERSON: A little bit faint.

25 CHAIRMAN JOHNSON: A little bit faint. Well,

1 we'll work on that then. How are we coming across now?

2 MR. PETERSON: Much better.

3 CHAIRMAN JOHNSON: Much better. Good. My
4 apologies. Go ahead and proceed.

5 MR. GERHARDSON: Thank you, Chair Johnson,
6 Commissioners. I'm Bruce Gerhardson, associated general
7 counsel with Otter Tail Power Company. And we do have
8 several members of Otter Tail Power's staff here.

9 And why don't I begin with Mr. Tom Brause, our
10 vice president of administration. Bernadeen Brutlag, who
11 is the manager of our regulatory services. Peter
12 Beithon, manager of regulatory economics, is sitting next
13 to Bernadeen. Ron Spangler, our rate case manager, is
14 back in this room. Kyle Semm (phonetic), our senior
15 rates analyst, is in the row there too. Dave Prazak is
16 up at the counter here. He's the supervisor of pricing.
17 Jason Grenier is a pricing analyst with us.

18 And just entering the room now is Jennifer
19 Whittingham Flodine (phonetic) on cue. She's our rate
20 case coordinator.

21 Now these folks are here really as subject
22 matter experts in the case that any of you have questions
23 on issues that are within their area of expertise. So I
24 would encourage questions anywhere during the course of
25 my presentation or afterwards, whatever is your

1 preference. The reason for them being here is to answer
2 those questions.

3 Our president, Chuck McFarland, did wish to be
4 here. He had two things that are of interest both to
5 Otter Tail and the State of South Dakota that he felt he
6 needed to participate in that both occurred today. One
7 is a MISO RECB, the cost allocation, as you may be aware
8 that he was participating in some discussions on that
9 subject. And also some allocations on carbon dioxide as
10 it may occur in some federal legislation that's been
11 proposed. So those were very important issues that he
12 felt he could not be away from --

13 CHAIRMAN JOHNSON: If people throughout the
14 region are going to refer to the Otter Tail problem, it
15 probably makes sense to have Otter Tail well represented
16 there, huh?

17 MR. GERHARDSON: Thank you. And I will say I
18 think that generally speaking momentum is going well for
19 resolution of the Otter Tail problem. We want to keep
20 that momentum up.

21 My presentation really has -- you know, it takes
22 an obvious course. We're going to summarize our filing
23 and what our request was. Next I'll describe briefly the
24 contents of our filing, the thoroughness of our filing.
25 And then finally I'll turn to the settlement that we're

1 asking along with staff that you approve today.

2 We filed our request on October 31, 2008,
3 requested an overall revenue increase of 15.3 percent or
4 \$3.9 million. We based our requests on an historic test
5 year. 2007 was the historic test year.

6 And to put that in perspective I guess the last
7 time Otter Tail had a rate increase in the State of South
8 Dakota was 1987. So about 21 years had passed between
9 our last rate case and our filing.

10 The requested 15.3 percent represents over that
11 period about a .7 percent increase per year given the
12 span of time that's occurred.

13 The reasons for the requested increase, some of
14 which are intuitive, some of which are because of things
15 that occurred recently. One is since 1987, of course,
16 we've seen an increase over time in operating costs, most
17 notably, materials, labor, pension, both active and post
18 retirement medical expenses. Some of those items as you
19 know have risen in costs dramatically.

20 Also since 1987 we've seen dramatic increases in
21 some instances in fuel and purchase power costs. Not all
22 of which was being recovered in Otter Tail's case through
23 our fuel clause.

24 We also made during that period of time
25 significant investments in wind generation and some other

1 infrastructure. I think I should note we added a
2 combustion turbine at Solway, Minnesota, a diesel
3 generator at Otter Tail's system operations center in
4 Fergus Falls.

5 We've made several transmission investments over
6 that period of time, several production improvements
7 including improvements at the Big Stone plant here in
8 South Dakota and our Coyote plant in North Dakota and our
9 Hoot Lake plant in Minnesota.

10 And, as I mentioned, we made some significant
11 investments in wind recently, two sites in North Dakota.
12 One at Langdon, North Dakota, one at Ashtabula,
13 North Dakota.

14 And we have been very proud of the cost
15 containment that we've been able to achieve over this
16 21-year period. It's allowed us to stay out of the arena
17 for a very long time.

18 During that time we have maintained excellent --
19 by all measures excellent reliability, excellent customer
20 service measures, and excellent safety standards. And so
21 we are very proud of that fact.

22 Now I want to turn back to the wind investment
23 and the revenue requirement that is part of this increase
24 request relating to the wind.

25 To give you a sense of the amount of the

1 increase that is associated with wind, about half of our
2 original request, about 50 percent of the 15.3 percent or
3 when I turn to the settlement, about 60 percent of the
4 settlement is related to revenue requirements associated
5 with the wind investment.

6 The one thing that the increase requested and
7 the increase upon which we've settled doesn't reflect
8 really is the benefit that the wind gives our customers
9 when put on our system. And that comes because the
10 energy that comes from the wind generation is represented
11 in our fuel clause adjustment at zero cost. That is,
12 there are kilowatt hours that are now in our fuel clause
13 adjustment that show up without any cost. Of course,
14 there's cost in the base rate increase.

15 The result is a significant offset to customer
16 bills in the form of a reduction to what the fuel clause
17 adjustment would have been without the wind investment.
18 So when we talk in terms of 15 percent requested and
19 11.7 percent upon which we are settled, it would be
20 incorrect to mistakenly think that it's all cost. The
21 wind is providing that benefit of zero cost energy in the
22 fuel clause too.

23 Now I want to turn just briefly to the
24 components of our filing. I believe we've made a very
25 thorough filing. And one thing I should point out is it

1 has been a long time since our company made a filing in
2 South Dakota. So we do appreciate the courtesies and the
3 assistance in many ways that the staff here had as we
4 made our filing and as they made data requests so that we
5 could support our filing.

6 We believe it was thorough and comprehensive.
7 We provided the standard statements that are required by
8 the rules. We supported it with a tremendous number of
9 working papers. We had direct testimony by nine
10 witnesses. And with that we made our filing.

11 We provided public notice according to
12 Commission rules. And about notice, we had about 11,700
13 customers in the State of South Dakota. And since
14 providing notice in November we've had 15 contacts that
15 are logged into our customer service -- our CIS system,
16 customer information system, indicating that of the
17 11,700 customers we had 15 contacts total over that time
18 period requesting information about the filing.

19 It isn't necessarily Complaints. It may be just
20 information about the increase.

21 Now I should also point out that there are also
22 some contacts that could have been made to customer
23 service personnel that have not yet been logged in the
24 system but we made an inquiry and found out about
25 15 contacts have been made since that time.

1 After making our filing we provided a
2 significant number of responses to the discovery requests
3 of staff over the last several months. And we began to
4 work with staff after they had completed their discovery
5 in the month of March on the possibility of reaching a
6 settlement on the issues that had been presented.

7 In the course of those discussions Otter Tail
8 agreed to make adjustments to rate base and operating
9 costs that reduced the revenue requirement and the
10 revenue deficiency in the case from the 15.3 to
11 11.7 percent adjustment.

12 We also made several adjustments to the rate
13 design that we were proposing in the case. The result is
14 a revenue requirement, as I mentioned, of 11.7 percent or
15 an increase of \$2.97 million. We also changed in the
16 course of our discussions the approach that we had to
17 whole margins, both what we call asset-based wholesale
18 margins and nonasset-based wholesale margins.

19 For the record, asset-based margins are those
20 margins that are derived from our owned generation.
21 Nonasset-based margins are those where we have made a
22 purchase in the market and a sale in the market.

23 The margins from asset-based sales in the
24 settlement are treated such that both the company and our
25 customers have a shared stake in the success of our plant

1 operations. That provides an incentive for the company
2 to be successful in maintaining and operating those
3 plants. The more they operate, the better our customers
4 do, the better we have an opportunity to do in the
5 wholesale market.

6 Our customers will benefit in reduced fuel
7 adjustment clause on their bill if we're successful in
8 maintaining and operating those plants. 85 percent of
9 the margins will be reflected as a credit -- pardon me.
10 85 percent of our margins based on our historical
11 performance of asset-based margins are reflected as a
12 credit to the base rate revenue requirement. And then
13 changes to that amount will be reflected in fuel -- in
14 the fuel clause on a going-forward basis. So the
15 variability will be reflected in the fuel clause.

16 And then the 15 percent of the asset-based
17 wholesale margins will be retained by the company as an
18 incentive to steward the generation resources wisely.

19 And this approach, as I mentioned, provides a
20 strong incentive for Otter Tail to optimize its plant
21 operations.

22 On nonasset-based sales, again those sales
23 that are not associated with generation that we own,
24 Otter Tail in its filing proposed sharing 15 percent of
25 the margins with customers through a credit to the fuel

1 clause adjustment on a going-forward basis.

2 Through settlement discussions we arrived at a
3 settlement of 25 percent of the margins will be reflected
4 as a credit to the fuel clause adjustment. That
5 percentage is intended to cover the fully allocated costs
6 of those operations. The traders that transact both
7 asset-based and nonasset-based are the same personnel,
8 and this is a way to create a sharing mechanism to cover
9 the costs of that.

10 Now turning to rate design, again I'd like to
11 acknowledge the work of staff in this area. Otter Tail
12 proposed some significant changes to its rate design. A
13 few items really that are most notable, we had declining
14 block rate structures throughout our rates. Otter Tail
15 had proposed the elimination of declining block rates.
16 And declining block rates again for the record are those
17 rates where they -- the rate goes down as consumption
18 increases.

19 The settlement that we reached with respect to
20 declining block rates reflects staff's recommendation to
21 take a much more moderate approach to the elimination of
22 these declining block rate structures. This is really I
23 think both in staff's eyes and in Otter Tail's eyes as
24 more of a first step to a gradual elimination of the
25 declining block structures.

1 It will be by moderating -- the approach that we
2 were proposing through our settlement we will reduce the
3 disproportionate rate impacts of those customers who are
4 consuming more energy. We will retain defining block
5 structures for our residential customers, our farm
6 service customers, and our general service -- general
7 service under 20 kilowatt customers.

8 Now while it's only three rates, that does make
9 up the vast majority of our customers. Of the 11,700
10 customers we have in South Dakota those three rates make
11 up about 10,000 of those customers. So those customers
12 will be -- the rates that those customers are taking
13 service under will have benefited from the moderation
14 that staff recommended in the reduction of declining
15 block rates.

16 Now our original request and this settlement
17 proposal are both consistent with the federal and state
18 policy initiatives of which I think you're all aware,
19 such as those in the Energy Policy Act, that would
20 support commissions approving rate structures that
21 encourage conservation. Generally thought, that to have
22 rates go down as consumption increases is
23 counterproductive in conservation.

24 The second rate design change that I would like
25 to mention is the addition of the fuel clause adjustment

1 to all Otter Tail rates. You may recall that we had part
2 of our revenue deficiency was on account of the fact that
3 our fuel clause did not recover all of the costs of fuel,
4 the variability that occurred in fuel since our last rate
5 case.

6 We had a few rates that did not include a fuel
7 clause adjustment. Those rates then have since 1987 been
8 paying 1987 fuel and purchase power costs, which would be
9 different from most, say, residential customers who have
10 a fuel adjustment clause. They've been seeing the
11 increases as those have occurred.

12 Now on account of that there are some rates that
13 will see a larger increase and it's because they're in a
14 sense being caught up in the fuel and purchase power
15 costs that are necessary to serve them.

16 The next rate design change that I would like to
17 mention is our seasonal rate, a change that we made to
18 our seasonal rates.

19 We did have rates in our existing rates that had
20 seasonal differences; that is, during summer and winter
21 seasons you pay a different amount, per kilowatt hour.
22 Our proposal is that virtually all rates will have a
23 seasonal component. And the seasonal differential really
24 is related to the fact that there are seasonal
25 differences in the amount we pay for market energy.

1 And so we're attempting to send price signals
2 about the consumption patterns that people may have that
3 would reflect our marginal costs in each of the seasons.

4 And then the final thing I'd like to mention
5 about our rate design changes is we did make changes to
6 the substantial customer charge. The settlement that
7 we're asking you to approve today does increase the
8 existing residential customer charge from -- there were
9 two separate charges depending upon the zone in which you
10 took your rate -- took your service. One was at \$5.80.
11 The other was at \$6.55. That is now increasing to \$7 for
12 all customers. So we're seeing an increase of either
13 45 cents or 1.20, depending upon which zone you're in.

14 There are other rate design changes that I'm not
15 mentioning in this presentation, but I think those four
16 are some of the more significant that I thought were
17 worth mentioning.

18 Now our proposal, we are requesting that final
19 rates be implemented July 1. As you may recall, we had
20 interim rates implemented beginning May 1. Upon
21 receiving approval, we would send notification of the
22 implementation of final rates to all residential
23 customers -- actually all of our customers. And there
24 are several customers who are on rates who would be
25 discontinued under our settlement proposal. There are a

1 total of 72 customers who would no longer be able to take
2 service under the rates that they have.

3 There are four customers taking service under
4 what's called the commercial demand control rate. That
5 was an experimental rate. And then there are 68
6 customers under what's called the electronic climate
7 control rate. That was a rate that was closed in 1987,
8 meaning no customers have been able to sign up for that
9 rate since that time, and these are customers who
10 continue to take service under that rate.

11 Otter Tail has proposed that we make personal
12 contacts to those customers that are on those rates that
13 are seeing an impact of \$500 or more per year. And that
14 personal contact would be either in the form of a phone
15 call or a face-to-face meeting. The remainder would see
16 a letter about the discontinuance of those rates. Those
17 customers would then begin to take service under other
18 available rates.

19 The customers that would be receiving an
20 in-person or a phone contact, it's approximately 20
21 customers.

22 So with that background, Otter Tail requests
23 that you approve the settlement that we have reached with
24 staff. The settlement provides Otter Tail with an annual
25 level of revenues that's fair, just, and reasonable. The

1 rates allow Otter Tail a reasonable opportunity to earn a
2 return that's adequate to enable Otter Tail to continue
3 providing service to our South Dakota customers that is
4 safe, reliable, and will continue with a high degree of
5 customer service.

6 Now, again, I mentioned that if you have
7 questions, we have several experts, subject matter
8 experts, in the room, and I'd be happy to attempt to
9 answer any questions you may have.

10 CHAIRMAN JOHNSON: Thank you very much, Otter
11 Tail.

12 Staff, comments.

13 MS. SEMMLER: This is Kara Semmler from staff.
14 We too have some subject matter experts that could help
15 answer any question, but we support the resolution and
16 ask that the Commission adopt it.

17 MR. KNADLE: Excuse me, Chairman. This is
18 Bob Knadle of Commission staff.

19 I just wanted to point out a couple of things
20 before we get into discussion and any issues the
21 Commission would want us to address. There is one
22 confidential item. If we want to get into some
23 discussions on the capital structure and return on
24 equity, we will need to go into a closed session on that.
25 And there's a couple other items that may or may not be

1 confidential, but if it does come up in the discussion, I
2 will point those out.

3 And there's one other clarification, I guess, on
4 the nonasset-based margin share and the 25 percent. If
5 the company doesn't make any margins in the year, there
6 will be no sharing. There's only sharing if the margins
7 are positive. So if they lose money on these sales,
8 that's not going to get past through the fuel adjustment
9 clause. That's out of their own pocket, so to speak.

10 And then on the asset-based margins, you know,
11 there's so much included on the rate case and whether
12 there's going to be increase or decrease, that will be
13 reflected in the fuel adjustment clause. I just wanted
14 to clarify those two points.

15 Staff has a pretty detailed memo that will
16 support the settlement stipulation. I'm not going to go
17 into detail on that, but if the Commission wants to ask a
18 specific question here or -- staff we're more than
19 willing to address those.

20 We also have three consultants on-line that will
21 deal with addressed issues, you know, that they addressed
22 in the settlement stipulation also.

23 Thank you.

24 CHAIRMAN JOHNSON: Thank you, Mr. Knadle,
25 Ms. Semmler.

1 My thought, and it's just a suggestion to try to
2 bring some structure to our questions, is perhaps we
3 would use the staff memo as almost a template of order to
4 deal with things. So, for instance, we would take
5 adjustments to rate base first and then go to operating
6 and comment and go into rate design.

7 If there's a suggestion that works better for my
8 colleagues, certainly I'm all ears.

9 Okay. With that then, let's go ahead and
10 discuss any adjustments that were made to rate base.
11 Anybody have any questions?

12 I'll kick it off. With regard to plant
13 additions, I'm looking -- the pages aren't numbered, but
14 I think it's page 3. You talk about number 2, eliminate
15 the hoop link unit 3 super feeder tube's adjustment
16 because the project is not complete.

17 And I understand the Used and Useful Doctrine,
18 but when would this be complete? I mean, might there be
19 some value in having some sort of adjustment on this
20 front?

21 Kind of walk me through staff and the
22 Applicant's reasoning on number 2 there.

23 MR. KNADLE: This is Bob Knadle with Commission
24 staff.

25 The standards the Commission uses or staff uses

1 and the Commission has adopted is the known and
2 measurable. At the time that staff and the company
3 entered into settlement discussions, you know, this was
4 not completed yet. We didn't have the actual cost. What
5 we did have is an estimated in-service date and estimated
6 cost.

7 And what has been reflected in the plan addition
8 is what has been completed and placed into service so we
9 know the actual cost. And there also could be, you know,
10 offsets regarding to savings related to these plan
11 additions that are not known and measurable at this time.

12 CHAIRMAN JOHNSON: So is this not a good
13 candidate for a CWHIP type treatment?

14 MR. KNADLE: There has been a couple statutes
15 passed in the not too distant future that commissions
16 cost recovery and environmental cost recovery, what the
17 company could file under one of those two statutes. It
18 would be a lot cleaner than trying to do it in a rate
19 case.

20 What we'd end up doing is -- you know, what
21 Commission has approved in the past and staff has always
22 based their rate cases on is the historical test year
23 adjusted for known and measurable changes. We start to
24 get into the equipment area looking at our forecasted
25 test year, which is a lot, you know, harder to, you know,

1 justify and prove on everybody's parts, my opinion.

2 CHAIRMAN JOHNSON: And I suppose it's a matter
3 of degree. I'm very supportive of a historic test year.
4 It all depends on what -- you know, known and measurable
5 can mean different things to different people. I've
6 always talked to -- when the IOUs wanted to go to a
7 forecast test year, I said, well, you know, the
8 Commission's willing to take a reasonable view of what
9 known and measurable is. And there can be plenty of
10 adjustments. Just because you don't get to adjust every
11 line item, doesn't mean you don't get to adjust a lot of
12 them.

13 And I guess I'm hearing from you that this falls
14 on the too speculative side for staff to feel comfortable
15 trying to work this in at this time. Is that right?

16 MR. KNADLE: That would be correct. And
17 basically by using historical test you're adjusting for
18 known and measurable changes. As you can see, Otter Tail
19 hasn't filed a rate case since 1987. There's a number of
20 other electrical utilities that hasn't filed for quite
21 some time. And that would indicate to me that, you know,
22 the way we're processing these rate cases doesn't harm
23 the company.

24 CHAIRMAN JOHNSON: Okay. So then on number 4,
25 modify the adjustment, this deals with deferred income

1 taxes. This was just an adjustment to better reflect
2 actual?

3 MR. KNADLE: What the North Dakota investment
4 tax credit did was is the company included some
5 adjustments related the difference between book and tax
6 depreciation for the years 2007 and 2008. We have picked
7 up plan additions in 2009.

8 For example, the Ashtabula plan I believe went
9 in service the end of '08 or early 2009. So by picking
10 up that plan adjustment out that period of time it's
11 appropriate to pick up the 2009 investment tax credit,
12 the difference between books and tax as a reduction in
13 the rate base.

14 CHAIRMAN JOHNSON: Then moving on to working
15 capital, you know, number 2 notes modifying lead days to
16 reflect statutory rather than actual payment dates. Why
17 was that done? Why does that make sense?

18 MR. KNADLE: What it is is a time value of
19 money. And, you know, in the statute there are statutory
20 payment days when they're required to make these payments
21 to the Government authority. And if the company
22 volunteers to make this payment earlier than they have
23 to, you know, the rate payer shouldn't have to be able to
24 pay for that in time value of money. They don't have to
25 do that. They won't get fined if they pay at the last

1 day. So it's a voluntary payment on the part of the
2 company which they don't have to do.

3 CHAIRMAN JOHNSON: Does basing it on a statutory
4 date also -- I'm trying to work through this. Does that
5 eliminate potential gaming where you can sort of
6 manipulate during the historic test year when you're
7 making payments that would differ from your normal
8 standard operating procedure and nontest year? Does this
9 eliminate that potential for gaming?

10 MR. KNADLE: As far as when you run it through
11 the working capital calculation by doing it either way,
12 it's not going to make that much difference. I mean, in
13 dollar amount it won't. So I don't think the company --
14 it wouldn't be worth their while to try to game it, what
15 you're talking about. Put it that way.

16 CHAIRMAN JOHNSON: Okay. Other questions on any
17 rate base adjustments that were made? Let's go ahead and
18 go to the operating income adjustments that were made.

19 Any questions?

20 With regard to the rate case expense, rather, on
21 some exhibit I think it was listed as -- well, here on
22 the memo it mentions a settlement increases these costs
23 about \$75,000 for the additional costs expected to be
24 incurred by staff.

25 I saw in some exhibit that staff's estimates

1 were estimated at \$100,000. So why the differing
2 numbers? Was \$25,000 already worked in initially in
3 Otter Tail's calculations?

4 MR. KNADLE: Yeah. What Otter Tail included in
5 their adjustment was \$25,000 for the staff to process the
6 case. The statutory limit is 100,000. In the previous
7 rate case for Black Hills Power & Light I believe it came
8 in just shy of \$100,000. I expect when all the bills
9 come in in this case we're either going to meet or exceed
10 \$100,000 to process the case.

11 CHAIRMAN JOHNSON: You talk about the known and
12 measurable fine line. This would be another instance
13 where not everything's come in, but I presume in this
14 case we're talking about relatively smaller dollars
15 because they're a lot closer to billable than, you know,
16 the hoop link improvements, that this does make more
17 sense to work in at this time.

18 MR. KNADLE: Yeah. I would guess we're
19 99 percent sure we're going to hit the \$100,000. That
20 would be my opinion.

21 CHAIRMAN JOHNSON: Well, that's pretty good.
22 99 percent. So I was a little surprised that staff had
23 pushed and received a concession to amortize the costs
24 out over five years. I know it's been 21 years but, you
25 know, we all follow the industry enough to realize that

1 rate cases are likely coming more often in the future in
2 this country than they've happened in the past 20 years.
3 Is there the potential when you take a five-year look
4 toward amortization that you could get almost pancaked
5 rate case costs if you had a rate case within the next
6 five years?

7 MR. KNADLE: In this adjustment here there's no
8 true-up mechanism. As in the last case that was filed
9 1987, we allowed a certain amount of expense for rate
10 case. We could amortize it over, you know, 3, 4, 5
11 years. The company has stayed out for over 20 years.

12 I mean, different methods you could do it. You
13 could do a tracking method on it and then, you know,
14 you'd get the actual cost and then you would determine if
15 they undercollected it or overcollected it and reflected
16 it in the next rate case.

17 We have opted not to do that in case. We
18 expect the company is going to come in and file. If
19 Big Stone II comes on-line, they will be filing for that
20 for sure. It is anticipated they're looking at
21 additional wind, and if they end up purchasing that as a
22 purchase power agreement or if they own part of that
23 plant, they'll come in for a rate case.

24 So, you know, my expectation is, you know,
25 they're going to be in for a rate case, you know, around

1 that five-year range or four.

2 MR. JACOBSON: You could also think of it as an
3 incentive not to come in, which would be to rate
4 stability.

5 CHAIRMAN JOHNSON: Sure. In this instance the
6 mechanism we would be using for recovery, I mean, all of
7 the risk falls on the Applicant. If they came in before
8 five years, some of those rate case costs would just
9 never be recovered on this rate case.

10 MR. JACOBSON: That's correct. But if they stay
11 out for a long time, just like Bob said, they gain.

12 CHAIRMAN JOHNSON: You stay out for 21 years
13 you -- yeah. That makes sense. You can collect on that
14 rate case those costs for 21 years so. Other costs on
15 operating income adjustments?

16 COMMISSIONER KOLBECK: On the economic
17 development section of that they've got the \$100,000
18 allowance for that. But they didn't include it in
19 their -- or they increased their actual test year by
20 62,000, but then in the end it resulted in a reducing of
21 actual expense by 81. Would you explain how that --

22 MR. KNADLE: This is Bob Knadle again. What the
23 company did is requested 100,000 for economic
24 development, no sharing, but what was actually in the
25 test year was approximately \$38,000. And that was

1 related to one employee that is economic development
2 employee they share between Minnesota and South Dakota so
3 South Dakota got allocated a percentage of that. What
4 the settlement does is basically take that 38,000 and
5 shares it 50/50 between rate payers and the company.

6 COMMISSIONER KOLBECK: How did that result in a
7 reducing operating expense loans by 81, though?

8 MR. KNADLE: What that would do is it would be a
9 reduction from the company -- what we're looking at is a
10 difference between what the company requested and what
11 the settlement was. So it's a reduction -- they wanted
12 100,000. We ended up basically putting 19,000 in. So it
13 would be a reduction of 82.

14 Does that make sense?

15 COMMISSIONER KOLBECK: It does.

16 MR. KNADLE: Sorry. We could have made that
17 more clear, I guess, in other memo. Sorry about that.

18 MR. JACOBSON: I would also clarify in the other
19 economic development programs that we've approved there's
20 a reporting requirement or recurring approval process,
21 and in this case that does not exist.

22 Taking into consideration it's a lower dollar
23 amount, they may well use up, you know, a significant
24 portion of their allowance just to make those reports and
25 come before us for approval so.

1 CHAIRMAN JOHNSON: I can piggyback on that,
2 Commissioner. So I know this is a bit of a briar patch
3 I'm throwing us into but, I mean, are we just
4 exacerbating the issue? I mean, we've had recent
5 conversations almost as I'm talking. So I don't know if
6 it's a discussion, but does this asymmetry with regard to
7 our treatment of economic development, is that
8 bothersome?

9 If they stay out for another 20 years, are we
10 now today signing onto a mechanism that we know, in fact,
11 is going to be quite different than we've got from other
12 IOUs? And does this disparate treatment bother anybody
13 else, and should it bother me?

14 MR. KNADLE: What we're looking at, roughly
15 speaking, they have less than 12,000 customers here and
16 the other companies what the Commission has approved is
17 essentially \$100,000. That would be 50,000 for the rate
18 payer, 50,000 for the company.

19 And, you know, staff couldn't justify, you know,
20 raising the economic development funds to that level for
21 that few of customers. It's a lot bigger hit on that
22 small customer base.

23 And so by having an employee that would, you
24 know, dedicate part of his time to these different towns
25 we thought that would be beneficial without doing any

1 long study and, you know, have the company doing
2 reporting requirements and that type of thing.

3 So basing on that, you know, I think this is,
4 you know, the proper way to do it. And they still would
5 get some economic development benefit for the different
6 towns that they serve.

7 MR. JACOBSON: Always add that we can always
8 send out a data request to find out what is going on and
9 take appropriate action. We have the authority to take
10 any action that we consider in the future.

11 CHAIRMAN JOHNSON: Yeah. And my concern doesn't
12 have necessarily to do with what they're doing day to
13 day. I mean, I don't know that I need to be looking over
14 their shoulder. My question is a bigger picture one,
15 which is I'm trying to decide in my own mind to what
16 extent is investment and economic development an
17 appropriate use of rate payer dollars. And, you know,
18 you all kind of split the baby here, and that's probably
19 a pretty good fault position. It just is odd to have us
20 treat different IOUs differently.

21 Now, Mr. Knadle, your point about different size
22 is a compelling one. I suppose a counterargument to that
23 is doesn't Otter Tail Power service territory, couldn't
24 that benefit more? Couldn't the return on your economic
25 development investment potentially be higher than it

1 would for an area that is already growing and would
2 likely grow regardless of what economic development
3 programs were put in place at the utility level?

4 Mr. Gerhardson, any comments from the Applicant
5 on this topic of conversation?

6 MR. GERHARDSON: Yes. Thank you, Chair Johnson.

7 Otter Tail has had active development operations
8 in the State of South Dakota. We've worked with the
9 dairy industry several years ago up until today, and we
10 continue to work -- as was mentioned I think by
11 Mr. Knadle, we do have staff who are devoted exclusively
12 to economic development. We also have our area personnel
13 who are sort of more hands on on the ground.

14 We've had success. I think your comments were
15 accurate. We have a different kind of service territory
16 than some of the other utilities. In our other states we
17 did actually have quite a bit of discussion on economic
18 development to retain jobs as much as to grow jobs. And
19 in fact probably I would say that's a much more important
20 component for us and our service territory is retention
21 of jobs.

22 From a cost justification standpoint, we see
23 even on our electric system increased costs to other
24 customers when jobs are lost and populations declined.
25 There's more investment in a community, let's say, than

1 there would need to be for a smaller population. So it
2 needs to be spread out over fewer customers. So that's
3 the benefit that we see.

4 We are comfortable with the settlement. We
5 are -- we would be concerned, I will say, if we get into
6 the reporting requirement with this small of a revenue
7 requirement being -- creating a lot of reporting.

8 So, Chair Johnson, I'm not exactly sure which
9 issue I'm addressing here. I'm addressing several at
10 once probably.

11 But we're comfortable with the settlement. We
12 think it is a fair resolution given the comprehensive
13 settlement that we're entering into. This was not a
14 large dollar item for either staff or for Otter Tail in
15 the end, and we think this hits a spot we can live with.

16 CHAIRMAN JOHNSON: Well, and, of course, it's
17 not lost on this Commissioner that -- I mean, everybody
18 wants to talk about energy as economic development, but
19 the biggest impact energy can have on economic
20 development is keep rates low and to make an environment
21 that, you know -- bills low generally equals a pretty
22 robust economic environment in any case.

23 So I interrupted Commissioner Kolbeck. So I've
24 got other questions on operating income, but I'll pause
25 and see if you've got anything else in that arena.

1 COMMISSIONER KOLBECK: Tree trimming. You know,
2 the settlement normalizes these expenses, but the -- did
3 not adjust the test year for tree trimming expenses.
4 Does that mean that the company will not be increasing
5 expenses on tree trimming?

6 MR. KNADLE: No. What it means is the company
7 didn't make an adjustment for tree trimming expense. The
8 staff proposed adjustment. The company accepted it.
9 They do have like a five-year tree trimming cycle, and
10 the expense varies from year to year. So what they're
11 trying to do is normalize the expense. And that's kind
12 of what that accomplishes.

13 Then it generally -- the past rate cases what we
14 do is we use this method for the next rate case. We'll
15 just keep doing the same method. For example, storm
16 repair expense and tree trimming expense are both based
17 on a five-year average, so to speak.

18 So the next time they file a rate case staff
19 would utilize the same five years so that way we're not
20 picking and choosing the same way the company could pick
21 and choose when they file a rate case and the expense is
22 high. It just normalizes that expense. So it's fair to
23 the company and the rate payers.

24 COMMISSIONER KOLBECK: So the tree trimming is
25 still a very important aspect of --

1 MR. KNADLE: Yeah. Really important. The NERC
2 standards there's fines and penalties and, yeah, safety
3 and reliability is, you know --

4 COMMISSIONER KOLBECK: All right. Thanks.

5 CHAIRMAN JOHNSON: Just an add on question. I
6 understand the interest in normalizing expenses. I think
7 that's the right approach. But given we've had these new
8 NERC standards as well as regional standards as well
9 we're trying to normalize expenses but is there a new
10 normal?

11 I mean, is looking back to the last few years
12 going to really be indicative of the future? So maybe
13 that's an opportunity for the Applicant to explain if
14 these new reliability standards do change fundamentally
15 the way they do business with regard to tree trimming.

16 MR. GERHARDSON: Chair Johnson, Commissioners,
17 there are a number of things in the area of NERC that are
18 increasing our expenses. There's just no question.

19 I think tree trimming is certainly one of them.
20 We've had an active tree trimming program. We're
21 conscious of tree trimming. It is a major component of
22 our effective reliability -- of providing a reliable
23 service.

24 I don't -- I think we're accepting of the
25 adjustment because I think reason -- there are different

1 reasonable ways to come to what is normal over a period.

2 We would probably get into the discussion that
3 you've just had on known and measurable changes and what
4 is too speculative, I think. Although we do see an
5 increase in a lot of our operational costs to comply with
6 increased NERC reliability standards. I expect those
7 costs will increase over the next few years as our
8 attention is more and more devoted to those standards,
9 tree trimming and otherwise.

10 COMMISSIONER KOLBECK: I just wondered if you
11 could explain the sale of steam to the ethanol plant. Do
12 you expect that to increase? You're going to be -- it
13 says you proposed an adjustment to it. As of January
14 there will be a new change.

15 Are you going to be selling more steam? Are you
16 going to have more byproduct off of Big Stone II?

17 MR. GERHARDSON: I may have to turn to one of
18 our experts, as I am not familiar with this item as maybe
19 Mr. Beithon.

20 MR. BEITHON: Commissioner, Pete Beithon. I'm
21 the manager of regulatory economics.

22 I don't anticipate that we'll see a change in
23 the amount of steam we sell. I think there were some
24 adjustments in how that was billed, and now we're billing
25 them more. And this adjustment reflects that increased

1 revenue, and we expect that revenue stream to stay pretty
2 stable at this point.

3 COMMISSIONER KOLBECK: Okay. Because I know of
4 their -- at Big Stone I know that Jeff had mentioned
5 there is not an abundance of steam. I mean, you don't
6 have a lot of extra product, I should say, coming out of
7 that plant. So that was just my concern.

8 MR. BEITHON: Right. Right.

9 COMMISSIONER KOLBECK: Thank you.

10 CHAIRMAN JOHNSON: Going to NSF check. In past
11 rate cases we have allowed charges -- you know, higher,
12 in fact, up to I think the statutory maximum. I mean, is
13 \$15 a pretty good -- I mean, trying to drive toward cost
14 causer, is \$15 a pretty good indicator toward actual
15 cost?

16 MR. GERHARDSON: My recollection, and I'll look
17 at Ron to see if I'm correct on this, I believe this was
18 based on some cost studies as to what this cost us to
19 process this.

20 MR. SPANGLER: You are correct. It was very
21 close. I don't remember.

22 MR. GERHARDSON: And so Ron even figured the \$15
23 was fair in our instance. So that is the increase that
24 we proposed.

25 CHAIRMAN JOHNSON: Okay. Other questions on

1 operational?

2 COMMISSIONER HANSON: Mr. Chairman, if I could,
3 forgive me if -- I'm attempting to follow this on the
4 computer as opposed to having paper. I had a number of
5 questions.

6 But just trying to ascertain the effect on the
7 direct or depreciation assignment versus allocation. Can
8 you explain that a little bit and how South Dakota's
9 being compared to other states and how it's affecting us.

10 MR. GERHARDSON: I'm going to ask that
11 Ms. Brutlag respond to your question.

12 MS. BRUTLAG: I'm Bernadeen Brutlag, manager of
13 regulatory services. The history goes back that there
14 was a difference in rates in depreciation rates and
15 depreciation components 20 years ago for about four years
16 between mainly North Dakota and Minnesota. But
17 South Dakota also about that same time had a rate case
18 and had a different set yet.

19 In order to preserve the differences for each of
20 the customers in each state, we directly assigned the
21 depreciation reserve and depreciation expense rather than
22 allocate it the way we allocate plant.

23 And we attempted to preserve that over these
24 20 years. Quite frankly, what happened is Minnesota and
25 North Dakota were the two main drivers of that, but it's

1 very difficult to maintain that -- to isolate that
2 difference from what really occurs between when loads
3 change among the states. And, quite honestly, we
4 couldn't track it any longer. We don't know what that
5 difference is.

6 In the case of South Dakota by eliminating that
7 direct assignment it actually benefited. It reduced our
8 revenue requirements overall for South Dakota because of
9 what was on the books.

10 COMMISSIONER HANSON: That surprises me. I
11 recognize how once you get into depreciation schedules
12 you don't want to change it after you get going with it.
13 But -- and I would assume that it would be extremely
14 challenging to try to allocate who gets what and how
15 much. But I'm surprised that South Dakota benefited when
16 you changed that.

17 MS. BRUTLAG: Well, maybe I should point out
18 that our overall depreciation systemwide didn't change.
19 I mean, this was just an allocation or a direct
20 assignment among the states.

21 And, you know, I'll have to be honest with you.
22 It's probably the luck of the draw that South Dakota came
23 out better when we went to an allocated process, back to
24 an allocated process.

25 COMMISSIONER HANSON: Do you imagine that that's

1 still the case, that we are still benefiting from that
2 change?

3 MS. BRUTLAG: You will benefit now on because
4 the direct assignment's gone, at least if you approve
5 that. And we will now allocate our total depreciation
6 expense and cumulative depreciation in the exact same
7 manner that we allocate the plant that has produced that,
8 that we're depreciating. So there's a match there.

9 And to me that's a better rate-making theory
10 going forward. So it's equitable to all jurisdictions,
11 we believe.

12 COMMISSIONER HANSON: Thank you. Thank you,
13 Mr. Chairman.

14 CHAIRMAN JOHNSON: So KPA and utility management
15 increases, I'm on the next page here, and in the filing
16 itself I think there was some discussion of operation
17 goals or operational goals versus, you know, sort of
18 shareholder goals, stockholder goals. Walking -- give me
19 some examples of each of those so that we've got a good
20 idea here of how this applies and how it doesn't.

21 MR. GERHARDSON: Well, I think I can give a
22 couple of examples. Mr. Brause may have to chime in and
23 correct me if I'm incorrect. But I think maybe a good
24 example of a shareholder benefit, KPA or KPI, the goal
25 that we have and that we track and we measure is plant

1 availability. That is, how often are our plants
2 available?

3 And, in fact, we measure what's called
4 equivalent availability. That is not only how often
5 they're available, but to what degree. Are they
6 available at 100 percent, 90 percent, 70 percent.

7 Obviously, by tracking that what we can do is
8 because our power plants are lower cost than market is
9 the more often they run and the better they run, the
10 lower the cost the customers to refuel and the purchase
11 power costs that are showing up in the FCA. So that's
12 one real distinct I think customer benefit.

13 Maybe on the other side would be a shareholder
14 benefit. That might be just your standard there are
15 shareholder benefits if we perform financially well.
16 Earnings per share might be something that we track that
17 would generally benefit our shareholders as opposed to
18 customers. Although there may be a crossover where our
19 shareholders can benefit some from just performing well
20 as a utility, certainly even in the equivalent
21 availability.

22 Our customers also benefit if we're doing well
23 for our shareholders in that we can raise capital more
24 effectively. So there's some crossover, but generally I
25 think the thought and the discussion is along those

1 lines.

2 CHAIRMAN JOHNSON: Well, that was a little bit
3 what I was driving at. There is some interrelativeness.
4 I mean, if a double A costs X and an A minus costs Y, the
5 benefits there aren't always easy to assign perfectly.

6 But I think I like where this settlement goes.
7 Just trying to say, well, here are the more direct
8 benefits. Not saying there aren't some indirect benefits
9 to these particular operational goals. But just trying
10 to draw a line somewhere. I think that makes sense.

11 So under payroll increases and in the middle of
12 the paragraph staff memo says, The settlement modifies
13 these adjustments by eliminating the 2009 wage increases
14 for, and it has a list of employment classes. I mean,
15 what's left out?

16 I mean, it seems like there's quite a number of
17 classes listed there. I mean, who -- I mean, which wage
18 increases were not eliminated?

19 MR. JACOBSON: Commissioner, the -- the Coyote
20 union group was the one which was known and measurable,
21 and that was included.

22 CHAIRMAN JOHNSON: And for all the rest of these
23 negotiations or management decisions that have not yet
24 been made to determine what compensation was going to be,
25 and so those adjustments weren't made?

1 MR. JACOBSON: That's correct.

2 CHAIRMAN JOHNSON: Okay.

3 MR. KNADLE: Excuse me. That's just for 2009.
4 They did have increases for 2008 that were known and
5 measurable. Just wanted to clarify that.

6 CHAIRMAN JOHNSON: Good clarification.

7 I've got one more question on these operation
8 changes, and it relates to the nonasset-based wholesale
9 margins and specifically having to do with the fully
10 allocated cost study.

11 And I guess I need some more information about
12 what this looks like. I'm not familiar with this study.
13 I mean, how often would it be done? Presumably annually.
14 To whom is it submitted? What is the process for
15 approval? Is this all occurring on the staff side?

16 And a question for staff first, and then we'll
17 have the Applicant respond.

18 MR. KNADLE: Staff requested a fully allocated
19 cost study through some data responses. At that time the
20 company hadn't performed one yet. And in the process we
21 were going through the data requests and that, and
22 towards the settlement the company did provide, you know,
23 a fully allocated cost study based on I believe it was
24 December 2008, a time study of how their employees worked
25 for asset-based and nonasset-based.

1 And then they developed, you know, a rate
2 basically, you know, approximately 25 to 30 percent of
3 the fully allocated cost study.

4 And I believe the company's going to continue to
5 do this study and it will update it from time to time by
6 going-forward basis and then staff would have a chance to
7 analyze that in more detail when they file another rate
8 case.

9 And on a side note, this is similar to, you
10 know, what is being considered in North Dakota for the
11 nonasset-based sales. I mean, they're in settlement
12 negotiations. I have talked to the North Dakota
13 Commission. It's ballpark with what happened in
14 Minnesota. So, I mean, this is going to be a process
15 that we may have to revise from time to time. It's kind
16 of our first shot at it.

17 But I believe, you know, it's -- what this --
18 what these costs are going to cover is this is an
19 unregulated business. And all the costs that can be
20 directly assigned, the cost revenues are directly
21 assigned, not including the cost of service.

22 Essentially what we're talking about here is
23 employees that are sitting there doing asset-based sales
24 and nonasset-based sales are the same people. Okay.

25 And so what you have to do is, you know, try to

1 figure out a method that's fair to both the company and
2 the rate payers to determine what portion of their time
3 is spent on, you know, which -- nonasset-based or
4 asset-based sales.

5 That is going to change over time, I imagine
6 depending on what the market is. And there may be times
7 they don't do that much asset-based sales. It fluctuates
8 just as the asset-based sales does.

9 But I believe, you know, this is a fair way to
10 start with the sharing mechanism.

11 CHAIRMAN JOHNSON: So just I guess when I read
12 the cost study I was envisioning that this would be an
13 analysis of the energy purchased and the energy sold. I
14 mean these are paper transactions. Not paper anymore.

15 But it sounds like you're talking more about a
16 labor study, which I would presume would be relatively
17 small dollars. Isn't the more important numbers probably
18 the large numbers that are of energy that's been
19 purchased and sold, and does the study take into account
20 that or is there any verification how that -- or they put
21 that 25 through the fuel adjustments?

22 MR. KNADLE: That's going to get through the
23 fuel adjustment only if it's positive based on the
24 margin.

25 CHAIRMAN JOHNSON: But then we don't get any

1 review of that outside of the regular review of the fuel
2 clause that takes place, and we have 10 days to review;
3 is that right?

4 MR. KNADLE: Yeah. They're going to provide
5 that adjustment on an annual basis because at that point
6 in time we'd have a chance to look at what work papers
7 they supply us.

8 CHAIRMAN JOHNSON: But this cost study would
9 have to do with labor allocations.

10 MR. KNADLE: Yeah. Incremental cost, how the
11 personnel spends it's time. It will change over time, I
12 expect. I don't know how much it's going to fluctuate.
13 Maybe the company would have more information they wanted
14 to add to the discussion.

15 CHAIRMAN JOHNSON: But this would be a potential
16 item where if we see a relatively high level of
17 consistency from year to year that maybe with the next
18 rate case it would be a set allocation as opposed to a
19 cost study-based number.

20 MR. KNADLE: That's a possibility. We'd have to
21 look at it that point in time.

22 CHAIRMAN JOHNSON: Yeah. Sure.

23 MR. JACOBSON: Commissioner, if I could, one
24 thing that happened, you know, we're aware of back in the
25 California crisis of 2001 we saw energy purchasing sales

1 for our companies explode. And rather than have a fixed
2 amount based on the test year activity for this
3 percentage mechanism in place, it will follow those big
4 gyrations in sales and work out much better.

5 CHAIRMAN JOHNSON: Oh, I agree with the
6 mechanism to capture some of those costs. And I
7 compliment staff on managing to negotiate a 25 percent
8 share. I think that makes sense. I do think there
9 probably is great annual volatility.

10 To me it just seemed odd because I wouldn't
11 expect a lot of annual volatility in the labor costs.
12 And so a cost study on that component would surprise me.
13 That being said, I completely agree there should be an
14 annual adjustment for the actual margins of the sale of
15 electricity.

16 Other questions on operating expense
17 adjustments?

18 Mr. Rislov.

19 MR. RISLOV: I just wondered if it's appropriate
20 for me to jump in or you wanted the three Commissioners
21 to go first. Because I have several. And I want to get
22 everybody involved if I possibly can. I hate to think of
23 them wasting their time and their trips to Pierre.

24 I just want to make sure on rate case expense
25 there is no true-up. Whatever happens, happens. When

1 they come in and file the next rate case, you know, if
2 they collect 40 or 60, whether it be two years, three
3 years, five years, they collect 100, what's past is past.
4 Its a clean slate. You go forward with the rate case
5 expense on the next case.

6 MR. KNADLE: It's a clean slate.

7 MR. RISLOV: Okay. That makes it very simple.
8 Industry and association dues. TLB-1,
9 Schedule II. And actually if a Commissioner wants to
10 jump in and ask a question now, I think it would be a
11 perfectly appropriate time.

12 CHAIRMAN JOHNSON: Well, I asked Mr. Rislov a
13 question on Friday so I showed my poker hand to him. So
14 if it's the question I'm thinking, it's not a
15 particularly large one so maybe I'm missing something,
16 Mr. Rislov.

17 Like line 17 I saw the Minnesota Electric
18 Association's on there. I don't see a South Dakota
19 counterpart. Do those costs flow through a different
20 cost area? And if so, what other types of association
21 dues flow through that other cost area? Is that what you
22 were driving at, Mr. Rislov?

23 MR. RISLOV: Yes. We see nothing about any
24 South Dakota association. Maybe they're free, I don't
25 know, or whatever. Just a question. What comprises this

1 list, and what would qualify one not to be on this list?

2 MR. GERHARDSON: I'm going to ask, Mr. Beithon,
3 are you prepared to speak to that or Mr. Spangler? And
4 one moment. I don't know that I have a copy of that so
5 I'm going to see if I can look at one.

6 CHAIRMAN JOHNSON: We see the South Dakota Board
7 of Technical Professions is on line 32, but it appears to
8 be the only South Dakota-specific dues.

9 MR. KNADLE: Just for clarification, talk about
10 the South Dakota Investor-Owned Utilities Association,
11 would that be correct, as a counterpart?

12 MR. GERHARDSON: Can I hear that one more time?
13 South Dakota Utility Investors? Is that what you --

14 MR. KNADLE: I think it's the South Dakota
15 Investor-Owned Utilities Association.

16 CHAIRMAN JOHNSON: But I don't think that's the
17 same of the group. I think it's South Dakota Electric
18 Utilities.

19 MR. RISLOV: Well, there's two groups.
20 Nettie Myers heads the one group. At least she's the
21 person we see and Steve Willard is with the other group.
22 So whatever their name would happen to be.

23 MR. GERHARDSON: My assumption is that -- and I
24 was trying to get to -- my assumption is that this -- and
25 you guys will correct me if I'm wrong, that this would be

1 those things that appear above the line, that those --

2 MR. RISLOV: You had already removed the others.

3 MR. GERHARDSON: We will have already removed
4 those that we did not feel are appropriate for recovery
5 from rate payers. So my assumption is that those dues
6 are paid by us, but that they are not -- they do not
7 comprise any component of our revenue requirement. They
8 are below the line.

9 MR. RISLOV: Okay.

10 MR. GERHARDSON: So there are memberships to
11 which we would pay dues that would not be reflected in
12 our revenue requirement or our rates, therefore.

13 MR. RISLOV: And I understand looking at
14 Minnesota Electric Association, Incorporated actually
15 wouldn't be a counterpart. That would be a group of
16 utilities who are working together to solve common
17 problems. Not that Steve Willard's group doesn't do the
18 same, but that's more of a legislative lobbying function
19 rather than I'll call it engineering functions or
20 operations functions; is that correct?

21 MR. GERHARDSON: That sounds correct. I am not
22 particularly familiar, but I see nodding.

23 MR. BRAUSE: That's correct.

24 MR. RISLOV: Yeah. Where the annual meetings of
25 this group may be in Redwood Falls rather than in

1 Honolulu.

2 MR. GERHARDSON: That's correct.

3 MR. RISLOV: Okay. And because perhaps I've
4 testified on this issue in the past and actually I think
5 I've almost copied Mr. Tower's word for word from earlier
6 testimony, I'm not sure, but there's been some change in
7 FAS 106. And I would consider it looks like it's a
8 fairly big change.

9 And just for my edification as we follow this
10 through in the future, I'm really curious about what has
11 happened in here and what the thought processes were and
12 what affect this process has.

13 MR. GERHARDSON: Again on FAS 106 I'll turn to
14 Mr. Beithon or Ms. Brutlag.

15 MR. BEITHON: Commissioners, Mr. Rislov, when
16 FAS 106 came into existence Otter Tail didn't request
17 special treatment. I think South Dakota was allowing
18 special treatment for us at that point. We have in
19 essence eaten the transition obligation up until this
20 point.

21 All we're asking for is to switch over to 106 at
22 this point to be consistent with the rest of our
23 jurisdictions and also to take care of the remaining few
24 years in the transition obligation.

25 MR. RISLOV: If I could interrupt, it might be

1 easier this way, but when did you start amortizing the
2 transition obligation roughly? I don't need an exact
3 date.

4 MR. BEITHON: '93 about.

5 MR. RISLOV: So we're about 16 years into the
6 amortization, which it's a 20-year period; right?

7 MR. BEITHON: Right.

8 MR. RISLOV: We've got about four years left.

9 MR. BEITHON: About four years left.

10 MR. RISLOV: And I see below, right below that,
11 we talk about, you know, I assume the next FAS 112
12 postemployment, FAS 106 postemployment, FAS 187 pension,
13 I assume that's the current portion of the pension costs
14 rather than the amortization; is that correct?

15 This is on staff's memo, if you have that. And
16 maybe I could just ask the question and make it simpler.
17 But I was --

18 MR. BEITHON: I believe you're correct.

19 MR. RISLOV: And maybe I shouldn't have been
20 surprised but the thought was, and this goes back 20
21 years, that eventually the PAYGO obligation would become
22 very large as people retired and we were seeing, you
23 know, a large group of retirees. And I may be misstating
24 this, but I know there was concern that it may become a
25 very large annual expense in the future.

1 MR. BEITHON: I believe you're correct. I'm
2 trying to recall what all went into this discussion.
3 But -- and even in my testimony. But I believe by doing
4 what we're doing here the South Dakota rate payer's
5 slightly better off.

6 MR. RISLOV: Well, but I guess what I was saying
7 is it surprised me because I assumed the current
8 obligation plus you'd be looking at the one year
9 amortization of the transition obligation within the
10 current obligation.

11 Those would comprise this amount; is that
12 correct?

13 MR. BEITHON: I believe you're correct.

14 MR. RISLOV: You would compare that with PAYGO?
15 You did a comparison of what PAYGO would have cost you
16 this year?

17 MR. BEITHON: Correct.

18 MR. RISLOV: As in that matter, is this
19 correct -- okay. PAYGO would have still been, as I see,
20 \$30,000 less than the combination of these two?

21 And maybe the question I should ask is what's
22 the current obligation under FAS 106 without the
23 amortization compared to what the obligation would have
24 been with PAYGO? If that makes any sense.

25 Mr. Beithon, I think if I could be provided that

1 later. I don't think that will make much difference. If
2 we're 16 years in the transition obligation, you're going
3 to eat it, which I think is an excellent choice on your
4 part.

5 You know, I would be curious to know what that
6 number is. Because, you know, some of the -- some of the
7 estimates back in the late '80s may or may not reflect
8 what's actually happening now, and I'm just curious about
9 where this has gone. Because undoubtedly this issue's
10 going to come up again another rate case. So I guess
11 it's more curiosity point. Don't waste much time looking
12 it up now.

13 MR. BEITHON: I'd be happy to provide that
14 information for you.

15 CHAIRMAN JOHNSON: Let's just check with our
16 reporter real quick.

17 (Discussion off the record)

18 CHAIRMAN JOHNSON: We'll take a short 10-minute
19 break, if you don't mind me interrupting your own
20 questioning.

21 Have you got one or two before we finish up?

22 MR. RISLOV: Yeah. It will give me a chance to
23 catch my second wind.

24 CHAIRMAN JOHNSON: Great. We will be off the
25 internet and recess for 10 minutes.

1 (A short recess is taken)

2 CHAIRMAN JOHNSON: Mr. Rislov was in the middle
3 of some lines of questioning dealing with operative
4 adjustments.

5 Mr. Rislov.

6 MR. RISLOV: I think I have one more that's on
7 payroll increases. And I believe I heard Mr. Knadle say
8 they annualized 2009 to an extent and 2008 and included
9 adjustments for 2009 and 2008.

10 I guess I want to ask him if you didn't
11 annualize the payroll increases that occurred in the test
12 year?

13 MR. KNADLE: Yes, we did.

14 MR. RISLOV: So you actually adjusted for three
15 years, not just two? At least in part for three years.

16 MR. KNADLE: Yeah. The test year is 2007. The
17 annualized increases during the test year increased in
18 2008 and partially 2009.

19 MR. RISLOV: Okay. Thank you.

20 CHAIRMAN JOHNSON: Other questions on operating,
21 adjustments to operating?

22 Okay. We can always come back. If there are no
23 further adjustments on operating, the next section of the
24 memo was cost of capital and rate of return.

25 Now, of course, I won't mention the recommended

1 return on equity, but I did want to ask if there was a
2 draft testimony for staff's cost of capital consultant
3 and, if so, if there was a range given for a reasonable
4 return on equity and, if so, what that range was.

5 UNIDENTIFIED SPEAKER: Bob, how do we want to
6 handle this is that --

7 (Discussion off the record)

8 MR. TOWERS: Bob Towers. I'll turn it over to
9 Basil Copeland. But I can say I've just recently reread
10 that draft testimony, and the range was 9 to 10 percent.
11 9 percent.

12 CHAIRMAN JOHNSON: Okay. Perfect. 9 to
13 10 percent. That's what I was looking for. Great.
14 Other questions on cost of capital and rate of return?

15 Okay. With that, we'll proceed to rate design
16 issues. Questions on rate design issues.

17 COMMISSIONER HANSON: I noticed the -- I take a
18 little bit of exception with the position that the staff
19 has taken on this. I personally favor blocked rates, but
20 I favor them in the opposite direction. I think that if
21 we're going to have efficiency with them, we need them to
22 be increasing as opposed to decreasing. I appreciate the
23 challenge that you had and you don't want to have rate
24 shock, so to speak.

25 Could you explain how long it might take before

1 we can get to a flat rate under the present system?

2 And then a second question for Otter Tail Power,
3 is there any desire on the part of OTP to go to a step --
4 to a block rate that's increasing?

5 MR. THURBER: This is Jon Thurber, staff. When
6 we looked at their flat rates the high usage customers
7 were receiving an increase too high above the average
8 annual increase, what we came across for the class
9 revenue study.

10 We had a little bit of an issue in terms of how
11 with a flat rate the fixed costs would be spread across
12 all rates and not just certain levels of usage. So the
13 large customers would be paying a greater share of the
14 fixed portion of the costs.

15 In terms of how quickly we can move towards a
16 flat rate, we focused -- along with, you know, looking at
17 the costs, also looking at the bill impacts of these
18 changes. And if Otter Tail does, you know, bring
19 Big Stone II online and add wind, you know, we can
20 continue to move towards that. We just, you know, are a
21 little more reluctant to have the high usage customers
22 receive a 25 percent or so increase.

23 COMMISSIONER HANSON: The 25 percent on their
24 overall rate or just on that portion of the block?

25 MR. THURBER: Well, it would be 25 percent of

1 the rate during the summer. You know, it depends on
2 their usage levels. But overall because of the
3 summer/winter differential and the conversion to a flat
4 rate, those high usage customers were really going to be
5 bearing the brunt of the burden of the increase.

6 COMMISSIONER HANSON: I guess on a fairness
7 doctrine you then assume that it was not fair to have
8 that burden on the larger users as opposed to spreading
9 it out on the smaller users. But speaking somewhat on a
10 philosophical level, doesn't it make sense to have a
11 heavier burden on larger users because they're the
12 ones -- the causers of the additional infrastructure,
13 improvements and such?

14 And perhaps Otter Tail might want to tackle that
15 one, unless Mr. Thurber has --

16 MR. THURBER: At the same time, the high usage
17 customers will be contributing more towards the overall
18 system as well. It is a little -- like you stated,
19 Commissioner, it is a philosophical concern.

20 But, you know, we're looking at the overall
21 costs for the customers.

22 COMMISSIONER HANSON: I don't see a right or
23 wrong here. I'm just curious as to what was going
24 through your process there. Thank you.

25 MR. GERHARDSON: Chair Johnson, Commissioner

1 Hanson, Commissioners, you know, from the company's
2 perspective, you know, the way I can describe the history
3 of this, when we -- we filed a case in Minnesota before
4 we filed this one. In that case we filed a moderated
5 version. We did not eliminate an entirely declining
6 block of rates in our initial filing.

7 Commission and staff in that case wanted us to
8 go further, and in that case they chose to eliminate all
9 of the declining block rates in their decision.

10 We followed suit in this filing and in
11 North Dakota. We've seen moderation. Now the rationale
12 for moderation is not to -- to not get to a flat rate
13 structure. The rationale for moderation I think is
14 whether -- you know, is a judgment call as to whether
15 customers can change abruptly their behavioral patterns.

16 And, of course, the larger users may be larger
17 users because of purchases they made in heating equipment
18 or other things over periods of time so they may not have
19 the kinds of abilities to adjust consumption patterns
20 down as quickly as we might think. So we see some
21 benefit in moderating in certain instances the imposition
22 of a rate change.

23 Now I think our general philosophy is we were
24 moving towards and we would expect to take another step
25 and maybe a full step to a flat rate in the next rate

1 filing. In fact, my gauge would be personally I think we
2 could probably get there. But these considerations will
3 continue.

4 Now with respect to inclining block rate
5 structures, I would say we see a conservation benefit
6 whenever you do that. Whenever you add costs
7 incrementally as you increase consumption you will then
8 encourage the decrease in consumption. But these same
9 considerations will have to be taken into account. And
10 that is how much flexibility do our customers have?

11 So while I don't know that there's ever been a
12 policy stated by the company as to our position on
13 inclining block rates, I think right now we're shooting
14 to get to a flat rate structure.

15 COMMISSIONER HANSON: I appreciate those
16 comments and the challenge that it poses and the desire
17 not to create a rate shock as you're going through the
18 process. Also appreciate the -- on a different subject,
19 the urban/rural customer charge differential and doing
20 away with that. I think that was a good move on your
21 part.

22 Thank you, Mr. Chairman. I may have some other
23 questions on this portion, but I'll let others finish up.

24 CHAIRMAN JOHNSON: Mr. Gerhardson, you sort of
25 talked generally about, you know, heating and cooling

1 equipment, but to be specific there may be some people
2 who went all electric in Otter Tail's service territory
3 that made that investment with believing that their rates
4 would have some predictability to them and an adjustment
5 too far isn't fair to them.

6 I mean, am I right on the specific example?

7 MR. GERHARDSON: Well, I think you're right.
8 And, you know, it's a judgment call as to when you
9 implement. We have to implement it at some point in
10 time, a change. The question is how far can you go. And
11 reasonable minds may differ as to impacting certain
12 customers who have made decisions based upon that.

13 But you're absolutely right. Those are
14 absolutely the kinds of considerations that are going
15 into moderating some of these proposals.

16 CHAIRMAN JOHNSON: And, of course, there can be
17 some conservation benefits to an inclining block rate.
18 You know, one has to ask is that the best way to
19 introduce efficiency?

20 Because what you give up is it can have a
21 detrimental effect toward manufacturers and large energy
22 users in an area. Maybe cause people to make different
23 location and relocation decisions based on what their
24 energy bill would be. Am I looking at that issue right
25 as well?

1 MR. GERHARDSON: Absolutely. Those are all sort
2 of economic considerations that are going into the
3 decision-making on rate design. There are several
4 factors that are in play at one time that go into what is
5 the rate design that any company should have and when
6 they're going to make a change structurally how quickly
7 can they make it? I think the settlement hits a sweet
8 spot for us in South Dakota for the time.

9 CHAIRMAN JOHNSON: I'm not sure I understood the
10 interest of Otter Tail Power to have a facility charge
11 along with a customer charge as opposed to just a larger
12 customer charge. I mean, give me firmer understanding of
13 why Otter Tail wanted two items.

14 In fact, I think in some of these classes there
15 continue to be two line items. What's the benefit of
16 having those two lines rather than just one line? To me
17 general terms like facilities charge and customer charge
18 don't provide additional transparency. Where am I
19 mistaken?

20 I mean, I have a hard time telling you what's in
21 one versus what's in the other.

22 MR. GERHARDSON: I think maybe I'd ask Mr.
23 Prazak to chime in. I think our effort was intended to
24 be a greater specificity as to what is going into a rate.
25 That is, facilities charges are related to facilities.

1 That is the service drop and the equipment if I
2 understand correctly. Customer charge are those things
3 that are more sort of office things, billing, equipment.

4 Mr. Prazak, maybe you can correct probably what
5 I've erred in here.

6 MR. PRAZAK: Dave Prazak, Otter Tail Power.
7 Mr. Gerhardson's correct. We want to make a
8 differentiation between some of those back office type
9 costs versus facilities. And in Otter Tail's case we
10 have customers that have non-electric heating, and they
11 have smaller demands so their portion of a transformer is
12 much smaller than a customer with an electric heating
13 system. In fact, it could be four, five times greater.

14 So the price signal that we're sending to those
15 customers that require more facilities is to again cost
16 causation paid for those facilities.

17 CHAIRMAN JOHNSON: Are you talking about on the
18 residential side?

19 MR. PRAZAK: Yeah. That's the example I'm
20 using.

21 CHAIRMAN JOHNSON: But I just -- I found on the
22 residential side there was just a single -- I mean, there
23 was the residential, and there was residential demand
24 control. I didn't see a residential electric only rate.
25 Did I miss something?

1 MR. PRAZAK: No. You didn't miss anything.
2 Customers that do have electric heating 100 percent, they
3 can still take service on the residential rate. It might
4 be a little bit more expensive. They decided not to be
5 controlled. So in those cases that can happen where they
6 have those different facility sizes.

7 CHAIRMAN JOHNSON: But I didn't see where the
8 facilities charge would vary from residential customer to
9 residential customer. I mean, if that's the rate you're
10 in, that's the facility charges you pay. So I don't
11 think I understand the marginal differences you're
12 talking about.

13 MR. PRAZAK: Okay. If you dig down deeper into
14 the rate design part we have in our testimony, we would
15 have a chart that would show different levels of
16 customers. And we did choose just to stick with one flat
17 charge for all, but we did separate them.

18 CHAIRMAN JOHNSON: But to me I don't know what
19 you gain by having two line items. You know, if it's
20 going to be a flat charge and not really particularly
21 directly related to the cost of that particular
22 customer's facilities, I mean, I guess I would agree with
23 staff I'm glad the settlement has just that one line
24 item. But with the other classes that continue to have
25 two line items, both customer and facilities charge, does

1 that really add to people's understanding of what they're
2 paying for? I mean, obviously you think so. So help me
3 get there.

4 MR. GERHARDSON: If I may just chime in, I think
5 that -- I think in theory what we've been trying to do is
6 head to the granularity that we talked about, to separate
7 those charges. Because they may change from rate case to
8 rate case.

9 We're not going to change them in between,
10 absent extraordinary circumstances. But we could see
11 that the ability to do the back office stuff goes up at a
12 higher rate than facilities or facilities go up at a
13 higher rate.

14 I think that the general goal is to reflect
15 costs in the best level of granularity. I think
16 reasonable minds certainly can differ as to whether
17 customers are going to understand that level of
18 specificity. I think we were willing very quickly to
19 move towards a single line item that would combine those
20 two charges.

21 For instance, on residential that didn't seem to
22 be much bang for the buck on that so it was better just
23 to combine those two. I think for the larger,
24 sophisticated customers we may see some benefit,
25 certainly in the instance where the facility charge

1 varies. And I do think there are several of our rates,
2 and Dave correct me if I'm wrong, that is the case. The
3 customer charge would remain fixed. They're only going
4 to get one bill. But the transformer size may vary, and
5 it may vary the amount of that facilities charge.

6 In that way there is a cost reflected in the
7 type of service that they have elected. This is not a
8 volumetric kind of charge that varies depending on the
9 amount they use month-by-month. It's really when they're
10 deciding as to what facilities to install to provide
11 service. They may have that reflected in their bills on
12 a going-forward basis.

13 So some thought is that cost causation and
14 reflecting the costs that are caused by an individual
15 customer on their bills helps them to make decisions more
16 accurately, I guess.

17 CHAIRMAN JOHNSON: See, and I think I'm fine
18 with that because again treating residential customers
19 differently than the larger, more sophisticated customers
20 I think is fine. But it's interesting. We just had a
21 resolution passed by -- a regional farmers union group
22 said to Northwestern, your bills are too confusing, there
23 are too many line items. I wonder if some people don't
24 feel like this is just one more way to be nicked and
25 dimed on their monthly bills.

1 Now we know that's not the case. We know all of
2 these costs are supported. Most people don't understand
3 the interplay between what you do and how you're
4 regulated.

5 I just wonder to me, though, transparency helps
6 when people can -- with greater understanding allows them
7 to improve their lives. Because we're not talking about
8 volumetric charges, because we're talking about fixed
9 charges, I'm not sure I see that link between greater --
10 and I wouldn't even call this much greater granularity.

11 I know you've got two line items. I'm just not
12 sure that it is very easily understandable to the common
13 person what that means, what those two items how they
14 exactly differ. Now granted with the larger customer
15 you'll explain and they'll get it. But they still don't
16 have much of an ability to change any of that.

17 With that being said, let's give it a shot. It
18 was eliminated for the smaller customers. I think that
19 was the right thing to do.

20 So talk to me a little bit about the classes
21 that were eliminated. In your filing as well as in
22 staff's memo there is some good space spent describing
23 the fact that -- it's tough to get around rate shock when
24 you start talking about increases of this size.

25 I know we're only talking about 72 customers,

1 but from a cost benefit analysis does it make sense to
2 get rid of these rate classes? Was it causing detriment
3 or was it an administrative burden to administer a class
4 that maybe only had four customers or 70 customers? Your
5 thoughts.

6 MR. GERHARDSON: Well, Chair Johnson,
7 Commissioners, you are actually hitting on one of the
8 difficulties with the -- the vast majority of these,
9 there's 68 under one of the rates, there's four under the
10 experimental rate.

11 And I think what I'd do is I think
12 Mr. Spangler's most familiar with the operational
13 challenges of the rate that includes the 68. There are
14 what I would say are technical and administrative
15 difficulties in ensuring that the folks that are taking
16 service under those rates are having the rates applied
17 correctly.

18 And, Mr. Spangler, I guess I'd ask that you
19 address that.

20 MR. SPANGLER: Chair Johnson and Commissioners,
21 my name is Ron Spangler. Mr. Gerhardson is correct. The
22 electric climate control rate, there's basically three
23 different discounts those customers can qualify for.

24 One is based on the connected cooling, heating,
25 and cooking kW that they have installed at their

1 locations. One of the administrative difficulties that
2 we have is the connected kW that somebody has today could
3 change tomorrow by a piece of equipment failing. They
4 could add new equipment and those types of things. We
5 have -- even though there's not a tremendous amount of
6 customers on these -- in these rates, it's difficult for
7 us to be able to go in and inspect those locations from
8 time to time.

9 We have the ability to do that, but it's just
10 been something that's been very difficult for us to do.

11 We did do some analysis on these customers, and
12 some of the 68 on the electric climate control rate there
13 are some of those customers that would benefit.
14 Depending upon what their kW was over the last 12 months,
15 we would switch them to either the under 20 kW or the
16 over 20 kW and greater rates. Some of those customers on
17 the lower end actually would benefit by moving to one of
18 the general service rates.

19 And as Mr. Gerhardson did mention earlier today,
20 we do have an effort that we are ready to do to contact
21 in both writing and personal contacts with those
22 customers on the change if you were to approve that
23 today.

24 CHAIRMAN JOHNSON: So is it largely because of
25 the administrative burden you described that these rates

1 were essentially consolidated -- I mean, eliminated is a
2 better word.

3 MR. SPANGLER: And to be quite frank, the rate
4 schedule is very, very difficult for customers and in
5 some cases my own and myself I've been at the company for
6 about 13 years and it took me a very long time to
7 understand the rate itself. So it's -- it's very, very
8 difficult for both customers and employees to understand
9 in some respects.

10 So I think both the administrative difficulties
11 that we have, and the understandability is probably one
12 of the other reasons.

13 CHAIRMAN JOHNSON: So to shift to these rate
14 classes where a fuel adjustment clause is being
15 implemented, I guess my big question on that is, you
16 know, why in the world wasn't there a fuel adjustment
17 clause put in in 1987? I mean, that -- that seems to be
18 an odd rate treatment given what I know about how the
19 Commission has treated rate cases back far before 1987.

20 Any insight? Does Otter Tail have any
21 insight?

22 MR. GERHARDSON: You know, if I may, Chair
23 Johnson, this predates pretty much all of us in 1987, the
24 last rate case. We did examine that and actually -- oh,
25 it doesn't predate all of us.

1 And it was universal across our three states,
2 this phenomenon that these rates were all without fuel
3 clause in all of our states.

4 Our view is the same as yours, that the impact
5 that's occurring now possibly wasn't anticipated that
6 there would be sort of a jump for these customers because
7 they hadn't been seeing the incremental costs in the fuel
8 clause. So whatever the rationale was, it may have been
9 that this consequence was not discussed at great length.

10 We think that's a good reason to add the fuel
11 clause now, so that that doesn't occur a second time. I
12 don't know if I've explained or answered your question.
13 I guess maybe I'd turn to Mr. Beithon and say do you have
14 some sense of what was going on then?

15 MR. BEITHON: I think part of what happened was
16 we -- though anticipated going 20 years, the last time we
17 filed we've been filing every few years. We were able to
18 adjust those rates at that point and not have the fuel
19 clause almost because our rates wasn't creating much
20 difficulty.

21 Other thing is I don't think that at the time of
22 our last rate cases energy was as big of an issue. We
23 didn't see the energy prices rising as quickly. We were
24 more worried I think about capacity at that point in
25 time. So just plain didn't anticipate in that last case

1 that we were going to have an issue with this.

2 CHAIRMAN JOHNSON: Well, and certainly in the
3 '80s for most utilities in the area they were in an
4 excess capacity situation and if you think you're only
5 going to be out for four to eight years, probably not an
6 issue you worry about as much if you're going to be out
7 for 21 or 22.

8 Other questions on rate design issues?

9 MR. RISLOV: I would have a couple if you three
10 Commissioners are done.

11 I should note that in the fuel clause what makes
12 that really odd is that they're all interruptible rates
13 so the fuel clause would have been the appropriate
14 application in this case because demand clause would have
15 been de minimus under an interruptible rate.

16 So, yes, I was here at the time it. No, I don't
17 recall. I'm going to blame Minnesota.

18 CHAIRMAN JOHNSON: A fine default position.

19 MR. RISLOV: You know, and maybe -- I'd like to
20 talk about the rate design philosophy too because you did
21 make a change and you did say you want to go to flat
22 rates. And Commissioner Hanson has talked about
23 declining block rates but I'm going to make an
24 observation and you comment on it.

25 I think -- there's a lot of problems with

1 inclining block rates making revenue requirements and a
2 number of other procedural problems.

3 But I foretell that we'll be looking at smart
4 grid type applications and marginal cost rates, and
5 inclining block rates will really not be part of the
6 equation in the future. Would you comment on that?

7 I mean, do you see any -- does that strike you
8 as possibly true?

9 MR. GERHARDSON: That strikes me as possibly
10 true. And if I may, Commissioners, and Mr. Rislov, I
11 mean, that is in a way one reason it would be difficult
12 for us to take a firm position on inclining block rates.

13 We do think that there are technological
14 advances occurring. There are other discussions about
15 the best way to achieve conservation. Inclining block
16 rates certainly may be a component of that. They are
17 used in other states in other contexts. For us right now
18 again probably the more important goal is is to do what
19 we're doing in phasing out what we've got as declining
20 block.

21 MR. RISLOV: And I'll have to admit. In the
22 past I have liked the multiple blocks on declining block
23 rates because it's been my belief that tends to follow
24 cost and Commissioner Hanson again brought up marginal
25 cost, concerns about adding new plant -- if I could put

1 words in his mouth liberally.

2 I guess my question would be this: Because you
3 have flattened the rate blocks, are you concerned that
4 you may be looking at a situation where you may be
5 causing some of the larger users to fuel switch, which
6 may not be an efficient outcome building fixed costs into
7 these rates once you get past the 4 or 5,000 kilowatt
8 hour per month level?

9 MR. GERHARDSON: Commissioners and Mr. Rislov, I
10 think that as we look at rate design, and we have made
11 some significant changes in several aspects of our rate
12 design not only in this state and others, we have
13 considered what that might do to consumption and whether
14 it would alter consumption for any range of our
15 customers. Those are hard things to predict and study in
16 some ways.

17 My sense is they are considerations of ours. We
18 don't feel that the settlement or even our proposal would
19 have had the kind of dramatic effect that caused this
20 grave concern. I think that's what I can say.

21 Would it have some? In a way it is intended to
22 have conservation. But you're right. Fuel switching
23 would not achieve a conservation goal either.

24 MR. RISLOV: Well, and my concern is that if we
25 drive people to say fuel oil or propane and you're adding

1 wind facilities at this point, it may be more appropriate
2 to provide incentives for people to use electricity
3 rather than other fuels. That's got to be a
4 consideration I would think as you flatten these blocks
5 to the extent fixed costs are built into what used to be
6 the tail block of those rates.

7 MR. GERHARDSON: Absolutely a consideration and
8 a concern. And we agree with you wholeheartedly that
9 fuel switching of the type you're talking about wouldn't
10 achieve a conservation goal.

11 MR. RISLOV: Have you done any work in
12 determining whether or not -- okay. We can talk about a
13 1,000-kilowatt-hour user, a 3,000 or a 5,000 but, you
14 know, obviously when one's talking about adding
15 facilities we're talking about peak load. And most of
16 these rates are -- when we look at moving forward,
17 whether it be within MISO or even within the utilities
18 trying to avoid adding additional facilities to serve the
19 peak load, do you have any sense of whether flattening
20 these blocks will, in fact -- you know, and placing those
21 costs on larger users if that will have an effect on peak
22 load reduction or I guess a better load factor than by
23 maintaining the declining block rates as they were?

24 MR. GERHARDSON: I would have to say that I'd
25 have to defer to Mr. Prazak on that. I am not aware of

1 any studies we've done to reflect that. I can't -- I'm
2 trying to think through sort of how the dots would have
3 to connect.

4 MR. RISLOV: Well, I guess my concern is as
5 Commissioner Hanson expressed, you know, to the extent
6 you don't have to be building generation transmission
7 there's a benefit on the marginal cost basis.

8 And I guess I'm asking this for my own
9 education. I mean, if there's anything pointing toward
10 flattening these blocks as to eliminating the peak load,
11 you know, within the system, you know, if there's a
12 connection or percentage that can be applied to it.

13 MR. PRAZAK: Dave Prazak. Mr. Rislov, I think
14 you bring up a good point, and that's one of the reasons
15 that we've actually added some new rates to our arsenal,
16 I guess.

17 And one specifically is our time of day rate,
18 which actually shows on peak costs, shoulder peak costs,
19 and off peak costs. And that gives a lot of price
20 transparency to those customers who may want to take
21 advantage of those and decide to move load and take
22 advantage of the off peak rates or shoulder rates and
23 avoid some of those on peak rates.

24 MR. RISLOV: But in general, you know, as far as
25 customer's concerned within what I call the more generic

1 rates, there is really no hard data showing that two
2 blocks, for instance, will work better than three or even
3 a flat rate necessarily will work better than two or
4 three; is that correct?

5 MR. PRAZAK: Well, all I can say is in our
6 experience so far we're seeing customers in Minnesota who
7 are on flat rates move more towards the time of day to
8 take advantage of those different cost differentials.

9 MR. RISLOV: Okay. So even though you can't
10 necessarily separate it within the -- you know, I'll call
11 it the combined rate, you are seeing them picking options
12 that would look more like a marginal cost understanding
13 on their part where they can lower their -- okay.

14 MR. PRAZAK: Yes.

15 MR. RISLOV: Okay. I understand what you're
16 getting at. Good point. Thank you.

17 CHAIRMAN JOHNSON: We're through staff memo.
18 I've got sort of three assorted questions, and we can
19 sort of open it up to assorted questions.

20 But my first dealt with the -- the filed
21 notification that would go to residential customers. On
22 the back page of that you've got some information on
23 residential demand control. If there are only 5,600
24 folks on the residential demand control, does it make
25 sense -- I fear that could be confusing to folks just on

1 the normal residential rates, that the front page deal
2 with them and the back page essentially deal with
3 something they don't know anything about and --

4 Any thoughts on whether or not this is the right
5 thing to send out?

6 MR. GERHARDSON: I'm going to have Mr. Spangler
7 address your question.

8 MR. SPANGLER: Chair Johnson, Commissioners,
9 this is Ron Spangler again. Pardon me.

10 When we developed the customer notice we were
11 looking at the South Dakota rules that require
12 notification. And it talked about different levels of
13 comparisons with present rates to new rates. And when
14 you look at the -- the classes that we have, our
15 residential class makes up both the residential and the
16 residential demand control rates.

17 And from my perspective when we were developing
18 the notice I wrapped both the residential and the
19 residential demand control in the same residential class
20 as required by the rule.

21 Now if you look at the second notification that
22 we've developed, I believe it does have both the
23 residential and residential demand control on that
24 notice. That notice wasn't specifically going to go to
25 either residential or residential demand control

1 customers, but depending upon how you wanted to work
2 this, we can make it so that the residential demand
3 control was not on the residential notice.

4 But I guess I would have to defer to the
5 attorneys to tell us whether we could do that within the
6 rules or not.

7 CHAIRMAN JOHNSON: Staff, would that raise any
8 concerns? I hesitate to give people a whole bunch of
9 information on a class that doesn't pertain to them.

10 MR. JACOBSON: You mean, in other words, have a
11 separate notification for regular residential and -- no.
12 That's fine, if it administratively can work for the
13 company. That would be preferable.

14 CHAIRMAN JOHNSON: Well, and perhaps
15 Mr. Spangler and the Applicant -- I'll just make my
16 preference known. My preference would be to have
17 separate. But if in discussions with staff and internal
18 attorneys you determine you don't think you can under the
19 law, that it will hinder the rule, that's fine. Proceed.
20 But my preference would be to have separate notices.

21 MR. GERHARDSON: Chair John, maybe if I could --
22 you know, I haven't asked Ms. Semmler about this, but I
23 don't see any reason if the Commission's order wanted to
24 reflect that that was the preference of the Commission, I
25 think we could treat it as a rule variance to the extent

1 this is the rule.

2 Mr. Spangler and I didn't talk about this at any
3 length. I certainly think it's within the spirit of the
4 rule.

5 MS. SEMMLER: I agree. Yeah. I don't see a
6 problem with our Administrative Rules and compliance if
7 it's two separate.

8 CHAIRMAN JOHNSON: Yes, Mr. Spangler.

9 MR. SPANGLER: I just wanted to make one more
10 comment. Mr. Beithon reminded me the residential demand
11 control there's only just under 500 customers in
12 South Dakota on that. I think we heard 5,600. That
13 might be a system wide number.

14 CHAIRMAN JOHNSON: But if that system -- okay.
15 Yeah. I suppose 10 percent would make sense. But I had
16 presumed -- and I'm looking specifically at -- oh, you
17 know what I bet I did. Took bills and converted that to
18 meters. And I didn't divide by 12. Got you. Perfect.

19 Well, frankly then that probably makes it even
20 more of interest to me to try to have the separate
21 notices if we're going to confuse, you know, the 11,000
22 by information for the 500.

23 MR. SPANGLER: I do want to make one more if I
24 could, Chair Johnson. I do want to talk to our technical
25 people when it comes to stuffing the bills whether we

1 make sure that we can get it based on rate and the
2 residential revenue classes.

3 I believe we can, but that might be one reason
4 why we might have to do something just slightly
5 different.

6 CHAIRMAN JOHNSON: Well, if the Commission, you
7 know, approved the settlement, let's have that my
8 preference would be to have the Order be silent on this
9 whole issue. You all know the preference of at least one
10 Commissioner. And if you technically can do it, then
11 please do.

12 MR. SPANGLER: Okay.

13 CHAIRMAN JOHNSON: Make sense? Okay.

14 What is the -- for residential what is the
15 average monthly kilowatt hours used? Ballpark.

16 MR. PRAZAK: This is Dave Prazak. I think it's
17 around 750.

18 MR. SPANGLER: I think it was -- this is
19 Ron Spangler. It was 894 or something like that.

20 MR. PRAZAK: That's correct.

21 CHAIRMAN JOHNSON: Okay. And then I think last
22 for me is -- I mean, I looked in the record. Am I right
23 in that we only had one person write in with concerns
24 about this proceeding?

25 MS. SEMMLER: That is correct, Chairman.

1 Deb Gregg in our Consumer Affairs Office keeps track of
2 phone calls as well, and she didn't receive any phone
3 calls.

4 CHAIRMAN JOHNSON: Okay. So and frankly that's
5 testament to Otter Tail Power being out for 21 years.
6 That's a big deal. So I'm looking at the letter from Mr.
7 Solem and some issues he raises. I think the
8 Commission -- or the settlement stipulation addresses his
9 resistance to a flat rate. I mean, we're sort of going
10 to more of a -- a flatter but not flat rate.

11 And then he also brings up the energy adjustment
12 clause, the fuel clause, and he says if their increases
13 are approved, are they going to discontinue this extra
14 charge? I think the proper answer to Mr. Solem, and
15 correct me if I'm wrong, is, you know, that charge
16 doesn't go away.

17 From a practical standpoint that's probably
18 reset by this rate case toward a number approaching zero.
19 In a perfect world that probably would start at zero, but
20 that number will bounce around as it has on a
21 month-to-month basis based on what you all purchase or
22 generate electricity for.

23 Is that the right kind of answer?

24 MR. GERHARDSON: Chair Johnson, if I may
25 respond, yes, that's exactly right. And it should -- I

1 mean, if it isn't in the record, it should be reflected
2 that the fuel clause can go positive or negative. So it
3 can be actually a credit to a customer's bill. And there
4 are actually several components of our settlement that
5 reflect credits to the fuel clause for the margins that
6 we talked about and some other things. So we'd want
7 that to continue so the customers receive those credits.
8 Otherwise, they have no mechanism for receiving those
9 credits.

10 CHAIRMAN JOHNSON: Thank you. Other questions
11 of the assorted nature?

12 COMMISSIONER KOLBECK: I just kind of have a
13 general question. When we went into just the 50 people
14 that were going to be notified and earlier you addressed
15 that, but could you go into a little more specifically if
16 the rate is approved today, you're going to call them
17 tomorrow or how exactly is that going to be handled?

18 MR. GERHARDSON: We wouldn't -- pardon me, Chair
19 Johnson, Commissioner Kolbeck, Commissioners, I mean,
20 obviously it's a reasonable time. I don't know if I can
21 say it will be done within 30 days of approval or not,
22 but it's within a reasonable period of time so that our
23 customer service personnel who have the most contact with
24 them can contact them, some of which they would be very
25 familiar with so it wouldn't take a lot of time.

1 Ron, do you have anything more on the time frame
2 on that?

3 MR. SPANGLER: Chairman Johnson, Commissioners,
4 this is Ron Spangler again.

5 We do have some of our energy management
6 representatives from our marketing area that are able to
7 move forward with notifying these customers as soon as
8 possible. It might not be -- we may not be able to get
9 to all of them before their next bill, but we could move
10 probably relatively quickly on that.

11 COMMISSIONER KOLBECK: And I guess that's my
12 concern is that we don't get any backlash, well, why
13 didn't you tell me this a month ago? You know, how much
14 money is it going to cost? And the largest of the gains
15 of the other people I guess I'm concerned about. And how
16 quickly we could get to them I think would help a lot.

17 And I don't really have a suggestion or anything
18 like that. I just want to make it known that the sooner
19 the better for them so they can get on to a different
20 rate, save themselves some money, and continue on.

21 Thanks.

22 CHAIRMAN JOHNSON: I would -- I think that's a
23 great point, Commissioner Kolbeck. We're not talking
24 about a ton of people. So to the extent that it can be
25 done, these people should be contacted before their next

1 bill shows up, before the rates are put into effect
2 anyway. It's a great point.

3 Any other assorted questions? Yes,
4 Commissioner.

5 COMMISSIONER HANSON: Just a curiosity. Are
6 there any -- let me ask it this way: How do renewable
7 portfolio standards in other states affect this rate?

8 MR. GERHARDSON: Thank you for giving us an
9 opportunity to respond to that, Commissioner Hanson.

10 One thing that I want to point out about
11 Otter Tail's wind additions is they have always been
12 demonstrated as cost-effective under our integrated
13 resource planning.

14 That means we would have added those wind
15 generation projects with or without renewable energy
16 objectives or renewable energy standards in any state.
17 We get the benefit, of course, of satisfying those
18 standards incidentally through this process.

19 So I think it's very important to make that
20 clear, that these have been demonstrated to be the most
21 cost-effective ways. Or I should say a component of the
22 least cost plan for meeting our energy and resources for
23 our customers.

24 I don't know if that answers -- does that answer
25 your question? We have not added any wind for the

1 purpose of satisfying a renewable energy objective or
2 renewable energy standard. I hope that answers your
3 question.

4 COMMISSIONER HANSON: Well, of course my concern
5 is is that the rate payers of South Dakota don't end up
6 paying higher rates because another state required some
7 type of a capacity to be built on their turbine.

8 And speaking that plainly, do you have anything
9 further to add?

10 MR. GERHARDSON: Chair Johnson, Commissioner
11 Hanson, Commissioner Kolbeck, absolutely. We're very
12 conscious of that. I think you know that we are divided.
13 About 50 percent of our load is in Minnesota. About
14 50 percent in the two Dakotas.

15 South Dakota -- your comment I think suggests
16 that you may be of a mind similar to what we're hearing
17 from staff and Commissioners at times in North Dakota.

18 We are -- as the only utility that I believe is
19 split 50/50 we're very much aware of this. We are very
20 conscious of it. We have, fortunately, had resource
21 planning that has allowed us to meet all states' resource
22 planning requirements that have those. And I think we're
23 very conscious of it. We will remain very conscious of
24 it. And I think these wind additions, you have nothing
25 to worry about on those.

1 COMMISSIONER HANSON: Well, I'd be interested in
2 hearing staff's reply to the question as well.

3 MR. KNADLE: I think the company -- these two
4 wind additions that they just put in, as the company
5 said, they are looking if it's economical. The IRP plan,
6 North Dakota had approved it previously. And they are
7 looking at adding additional wind.

8 And when staff reviews that if they do have an
9 addition -- we're going to look at if it was built or
10 purchased or part ownership was for Minnesota, we're
11 going to look at that pretty seriously and decide whether
12 at that point in time if it's an allowable expense or it
13 should get assigned to Minnesota.

14 COMMISSIONER HANSON: Thank you. Appreciate
15 that. Thank you, Mr. Chairman.

16 CHAIRMAN JOHNSON: Other assorted questions?
17 Any --

18 COMMISSIONER HANSON: I'll ask another one. I
19 wasn't going to ask it, but sometimes feel compelled
20 anyway.

21 Is there anything within the rate design or this
22 process that you went through that is going to deter you
23 in any way from any sort of planned additions or any
24 additional changes that you had been planning on?

25 MR. GERHARDSON: There's nothing in this process

1 that would have any impact on our resource additions, to
2 my knowledge. Our resource planning generally drives --

3 COMMISSIONER HANSON: Within the settlement, I
4 should have said, as opposed to the process.

5 MR. GERHARDSON: Normally within the settlement.
6 These will not impact our resource planning decisions
7 going forward.

8 COMMISSIONER HANSON: Thank you. Thank you,
9 Mr. Chair.

10 CHAIRMAN JOHNSON: Other questions, assorted
11 questions, Commissioners or advisors? Any action?

12 MR. JACOBSON: Commissioner, I would just like
13 to add one thing. When the Commission -- if and when it
14 chooses to make its decision, we would request that the
15 Order waive tariff -- the Administrative Rule
16 20:10:13:04, which deals with how the tariff is laid out.
17 The rule specifies Sections 1 through 6 and et cetera.
18 This deviates from that, their tariff.

19 Did that in order to administrative -- you know,
20 relieve administrative burden to go along with tariffs in
21 other states.

22 And there have been a couple of -- there are a
23 couple of tariff sheets that require corrected sheet
24 numbers up in the upper right-hand corner, nothing
25 substantive. But the company will need to file final

1 tariffs anyway to put the -- there's a line on the bottom
2 of the sheet for the approval date, and they will need to
3 resubmit those two. We just wanted to make you aware
4 that those two things exist.

5 CHAIRMAN JOHNSON: Well, with that, and, of
6 course, we can adjust if there are other suggestions, but
7 I would move that the Commission adopt the settlement
8 stipulation, waiving 20:10:13:04 regarding tariff layout,
9 an effective date of July 1 for the new rates and terms
10 and conditions and, of course, provided that the
11 corrected sheets are filed properly.

12 Okay. We'll just pause and see from a style and
13 form perspective if we've missed anything.

14 Hearing none, any discussion on the Motion?

15 I would just say if you had to have a -- I think
16 the two most important numbers with regard to this Motion
17 are 21 and 1 million. 21 being the number of years that
18 Otter Tail Power was out. I think that shows some
19 impressive cost containment on their part.

20 I think the other number is 1 million, which I
21 think shows some impressive cost containment on staff's
22 side as that is the amount that the revenue requirement
23 was reduced by as a part of this process. There were
24 some rather significant changes that were made, but the
25 fact that the parties have come together, having

1 compromised and I think having a settlement stipulation
2 that is in the public interest I think is impressive. It
3 hasn't been very easy to do, I'm sure.

4 A couple of other things of note, the 25 percent
5 sharing of revenues for nonasset-based margins I think is
6 impressive. Thanks again to staff for negotiating that
7 up from 15 percent. I do think that's good news for rate
8 payers. To the extent Otter Tail Power's able to do good
9 things with those energy purchases and sales that is
10 going to share in those benefits with rate payers.

11 And then I do think the rate design changes that
12 were made are good news long term.

13 Other comments on the pending Motion?

14 COMMISSIONER HANSON: I think you more than
15 sufficiently covered it. However, I would just like to
16 say from a personal standpoint that there's a tremendous
17 amount of work that goes into this, and sincerely
18 appreciate all the work that staff went through to put
19 this together and did not in any way through my comments
20 pertaining to, oh, block rate or anything of that nature
21 mean to imply that I thought otherwise.

22 So appreciate the work that you guys did. Gals,
23 guys.

24 COMMISSIONER KOLBECK: I think the amount of
25 staff work that was put into it is obvious when we had

1 come home from different events late at night and there
2 was still staff members here working. That's very
3 commendable on their part.

4 And rate increases are a necessary evil, and
5 it's definitely something that's very appreciated by
6 myself and I'm sure my colleagues that the most amount of
7 work has gone into this to have the best outcome.

8 Even though no one likes to raise rates, it's
9 definitely better than the alternative. So thank you.

10 CHAIRMAN JOHNSON: I want to -- and I should
11 have asked this before we went into Commission action,
12 but did I hear the Applicant -- someone mention that wind
13 generation accounted for up to 70 percent of the
14 increase?

15 MR. GERHARDSON: Of the settlement, it's
16 approximately 60 percent.

17 CHAIRMAN JOHNSON: 60 percent. Okay. Other
18 comments?

19 Hearing none, we'll proceed to vote.

20 Hanson.

21 COMMISSIONER HANSON: Aye.

22 CHAIRMAN JOHNSON: Kolbeck.

23 COMMISSIONER KOLBECK: Aye.

24 CHAIRMAN JOHNSON: Johnson votes aye. Motion
25 carries 3-0.

1 Unless there's any further business to come
2 before the Commission, is there a Motion to adjourn?

3 COMMISSIONER KOLBECK: So moved.

4 CHAIRMAN JOHNSON: Motion's been made. We'll
5 proceed to vote.

6 Hanson.

7 COMMISSIONER HANSON: Aye.

8 CHAIRMAN JOHNSON: Kolbeck.

9 COMMISSIONER KOLBECK: Aye.

10 CHAIRMAN JOHNSON: Johnson votes aye. Motion
11 carries 3-0. Thanks.

12 (The proceeding concludes at 4:15 p.m.)

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1 STATE OF SOUTH DAKOTA)

2 :SS CERTIFICATE

3 COUNTY OF SULLY)

4

5 I, CHERI MCCOMSEY WITTLER, a Registered
6 Professional Reporter, Certified Realtime Reporter and
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed
9 shorthand reporter, I took in shorthand the proceedings
10 had in the above-entitled matter on the 23rd day of June,
11 2009, and that the attached is a true and correct
12 transcription of the proceedings so taken.

13 Dated at Pierre, South Dakota this 22nd day of
14 July, 2009.

15

16

17

18 Cheri McComsey Wittler,
19 Notary Public and
20 Registered Professional Reporter
21 Certified Realtime Reporter

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