

South Dakota Public Utilities Commission Minutes of Public Hearing to Adopt Rules

The Public Utilities Commission convened at 9:30 a.m. on Tuesday, August 25, 2026, in Room 413 of the Capitol Building, Pierre, South Dakota, to consider the amendment of the proposed rules 20:10:01:08.01, 20:10:01:10, 20:10:01:22.04, 20:10:01:22.07, 20:10:01:23, 20:10:01:24.02, 20:10:01:25, 20:10:01:41.01, 20:10:06:02, 20:10:06:03, 20:10:12:05.02, 20:10:12:13, 20:10:13:40, 20:10:16:01, 20:10:16:03, 20:10:17:13, 20:10:19:09, 20:10:20:08, 20:10:20:11, 20:10:24:04, 20:10:24:04.05, 20:10:30:01, 20:10:30:01.01, 20:10:30:02, 20:10:30:03, 20:10:30:04, 20:10:30:05, 20:10:30:06, 20:10:30:07, 20:10:30:08, 20:10:30:09, 20:10:30:10, 20:10:31:06, 20:10:32:03, 20:10:32:12, 20:10:33:27, 20:10:33:28, 20:10:37:18, 20:10:37:18.01.

The public hearing and discussion on the proposed administrative rules commenced at 9:57 a.m. and concluded at 10:03 a.m.

Members of the Commission in Attendance: Commissioners Chris Nelson, Kristie Fiegen, and Gary Hanson. Chairperson Nelson conducted the hearing, which was held during the Commission's regularly scheduled Commission Meeting.

Commission staff in attendance: Commission Advisor Darren Kearney; Commission Attorney Kristen Edwards; Staff Attorney Amanda Reiss; Staff Analysts Brittany Mehlhaff, Eric Paulson and Joseph Rezac; Public Utilities Manager Patrick Steffensen; Consumer Affairs Manager Deb Gregg; and Administrative Staff Joy Irving.

Members of the public in Attendance: Ellie Bailey and Darla Pollman Rogers, Riter Rogers, LLP representing Valley Telecommunications Cooperative Association, Inc., Clarity Telecom, LLC dba Bluepeak Fiber and South Dakota Telecommunications Association; and Brett Koenecke, May, Adam, Gerdes & Thompson LLP representing MidAmerican Energy Company.

Members of the public joining by phone¹: Eric Kahler and Phillip Schnacky, West River Cooperative Telephone Company; Jeff Symens, Valley Telecommunications Cooperative; Marlene Bennett, Consortia Consulting, Inc. representing Valley Telecommunications Cooperative and Beresford Municipal Telephone Company; Austin Hansen, Beresford Municipal Telephone Company; Rick Gutierrez, Qwest Corporation dba CenturyLink QC; Chris Karn, Marc Krasney and Carolyn McCarthy, Clarity Telecom, LLC dba Bluepeak Fiber; Jason Keil, Black Hills Energy; Lori Brockhouse and Emily Willits, MidAmerican Energy Company.

Oral Testimony

Brett Koenecke appeared on behalf of the South Dakota Electric Utility Companies and offered comments supporting the proposed rules and offered a suggestion for a future rulemaking related to the need for Commission approval of customer welcome brochures.

Ellie Bailey appeared on behalf of the South Dakota Telecommunications Association (SDTA). Ms. Bailey noted SDTA's support for the proposed rules.

¹ All persons joining by phone were present for other dockets, none appeared specifically for the rulemaking docket.

Written Testimony

Prior to the hearing, comments were received from three entities, namely the South Dakota Agri-Business Association (SDABA), the South Dakota Electric Utility Companies (SDEUC), and Lumen.

SDABA submitted comments in support of the proposed amendments to ARSD 20:10:12:05.02 and 20:10:12:13, noting the additional clarity provided by the amendment and thanking the Commission for its continued willingness to work with stakeholders.

SDEUC submitted comments noting the need to review rules on a consistent basis and its appreciation for the Commission doing so. SDEUC stated that the proposed rules identified opportunities to increase efficiencies and eliminate redundancy.

Lumen submitted comments noting that the proposed rules eliminate unnecessary requirements and replace outdated terms. Lumen offered its support for the proposed rules.

Final Action

Summary of Changes to Proposed Rules Because of the Public Hearing or Comment

All written and oral comments were supportive of the proposed rules. No changes to the proposed rules were suggested. Therefore, no changes were made as a result of public comment. However, the Commission notes that a number of the proposed telecommunications rules were brought at the request of SDTA or its member companies, therefore, the stakeholder input was considered and incorporated when the proposed rules were drafted. In addition, in a previous rulemaking, SDTA offered comments requesting the Commission consider amendments to 20:10:33:27 in the future, and the PUC considered those comments and incorporated them into this rulemaking.

Commissioner Fiegen moved to adopt all proposed rules as set forth in the most recently filed version in Commission Docket No. RM26-001.² Motion carried 3-0.

Adjournment: The rulemaking portion of the Commission meeting adjourned at 10:03 a.m.

Respectful submitted,



Kristen N. Edwards
Commission Counsel

² The Commission noted that its adoption of the administrative rules is subject to any additional style and form edits from LRC made in preparation for the hearing before the Interim Rules Review Committee, therefore, typos may be corrected without further Commission action.