1 THE PUBLIC UTILITIES COMMISSION 2 OF THE STATE OF SOUTH DAKOTA 3 \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ 4 IN THE MATTER OF THE APPLICATION OF TC11-087 NATIVE AMERICAN TELECOM, LLC FOR A 5 CERTIFICATE OF AUTHORITY TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS 6 SERVICES AND LOCAL EXCHANGE SERVICES IN SOUTH DAKOTA 7 8 Transcript of Recorded Proceedings 9 May 14, 2012 10 \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ = = = = 11 BEFORE THE PUBLIC UTILITIES COMMISSION, CHRIS NELSON, CHAIRMAN 12 KRISTIE FIEGEN, VICE CHAIRMAN GARY HANSON, COMMISSIONER 13 14 APPEARANCES 15 Scott Swier Todd Lundy 16 Richard Coit Bill Van Camp 17 Meredith Moore Margo Northrup 18 Kathy Ford Scott Knudson 19 20 21 22 23 Reported By Cheri McComsey Wittler, RPR, CRR 24 25

1 CHAIRMAN JOHNSON: We will call the meeting to 2 order. Chairman Nelson is present in the meeting room. 3 Commissioner Fiegen is present on the line. One more 4 time, Commissioner Hanson.

5 Okay. We do have a quorum so we are going to 6 proceed with TC11-087, In the matter of the Application 7 of Native American Telecom, LLC for Certificate of 8 Authority to provide interexchange telecommunications 9 services and local exchange services in South Dakota.

Mr. Swier has issued a Subpoena to the Commission, and in particular Ms. Wiest has received that Subpoena. And, Ms. Wiest, I think I'm going to turn it over to you first to maybe give us an understanding of why the Subpoena is not being complied with and why we're even here today, and then we'll go to Mr. Swier and see how it plays out from there.

Ms. Wiest.

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18 MS. AILTS WIEST: Well, this matter was put on 19 the agenda due to the fact the Subpoena requested 20 information filed confidential with the Commission. And 21 so at this point I think the Commission just needs to 22 hear from Mr. Swier as to his position on the Subpoena 2.3 and perhaps address the fact that it is requesting 24 information that has been filed by other parties in other 25 dockets, not this docket, that were filed as

1 confidential.

2 CHAIRMAN HANSON: Thank you. Appreciate that --3 that explanation. 4 Mr. Swier, we'll turn it over to you. I think 5 you understand the context of what the issue is today, 6 the fact that you're requesting information that's been 7 declared confidential or has been -- I shouldn't say 8 declared but has been filed as confidential in other 9 dockets, not this one. 10 Go ahead, Scott. MR. SWIER: Thank you, Mr. Chair. Mr. Chair, as 11 12 you know, NAT has the burden of proving that it has 13 sufficient technical, financial, and managerial 14 capabilities in this docket. 15 The information that NAT is seeking through its 16 Rule 45 Subpoena is directly related to the legal 17 standards that apply in this certification proceeding. 18 The information requested is necessary for the 19 case to be properly litigated, and the production of this 20 information will ensure that the Commission has the 21 necessary information before it to review the 22 application. 23 NAT's financial capabilities to provide the 24 proposed services is directly related to this case. NAT

25 has represented that it has the financial resources to

provide the telecommunication services as outlined in its application. Sprint and CenturyLink dispute NAT's financial claims. Since 2000 the Commission has granted literally hundreds of applications that provide telecommunication services in South Dakota. Each of those hundreds of dockets has included a review by the Commission of an Applicant's financial capabilities.

8 NAT is entitled to review the financial 9 documents of those previous applicants so that NAT can 10 analyze the financial threshold that the Commission has 11 established is adequate to receive a Certificate of 12 Authority in South Dakota.

13 NAT believes, number one, just from a relevancy 14 standpoint that a review of the prior Applicant's 15 financial documents will show that very few, if any, LECs 16 are flush with income at their inception.

17 NAT also believes that its review of the prior 18 Applicant's financial documents will show that it is much 19 more financially viable than the vast majority of LECs 20 that have received a Certificate of Authority from the 21 Commission.

Now regarding the confidentiality issue, as the Commission is well-aware, on February 10 of 2012 it granted a very specific protective order in this case. The protective order is very clear as to how confidential

1 information should be treated. So the fact that the 2 information we're requesting is confidential really should have no bearing because we do have that very 3 4 thorough protective order in place. Also the Commission is the custodian of these 5 6 documents. Therefore, the Commission is a very 7 reasonable place to go to ask for these documents. I am 8 well within my right to issue the Subpoena. 9 We think we're entitled to the documents. We 10 think the protective order ameliorates any potential 11 confidentiality issues, and we'd ask the Commission to 12 grant the Subpoena as it was served. 13 CHAIRMAN HANSON: Thank you. I appreciate your 14 enunciating your position on this particular question. 15 The challenge that I think we are faced with 16 here is that even though we have a protective order in 17 place, the requests for confidentiality come not from in 18 many cases parties that are part of this particular 19 docket that were part of issuing that protective order 20 but rather are parties in the many other dockets that 21 you've referenced that have not had any due process so 22 far as whether or not their confidential information 23 should be released. 24 As you're aware, there are several 25 Administrative Rules that provide a process for obtaining

1 confidential information such as this that allow the 2 folks that have requested their information be 3 confidential that gives them some due process as we 4 determine whether or not that information can be 5 released. 6 Can you help me understand why you should not go through that Administrative Rule process as opposed to 7 8 what you've attempted today? 9 MR. SWIER: Sure, Mr. Chair. 10 Well, number one is that those particular 11 administrative provisions apply to the situation where a company has filed various financial documents under the 12 13 confidentiality provision. Those Administrative Rules 14 then allow an opposing party to challenge the 15 confidentiality of those documents. 16 So, in other words, if NAT filed confidential 17 documents and Sprint or CenturyLink challenged the 18 confidentiality of those documents, then we go through 19 the administrative rule procedure that's set out. 20 In this case NAT is not challenging the 21 confidentiality of these financial documents. We agree 22 that they're confidential. There is no -- there is no 2.3 reason to go through the process of determining if a 24 confidentiality designation is proper or not proper. 25 Here we're alleging, again, that the documents

1 are confidential. Therefore, your specific 2 Administrative Rule does not apply to this case and my 3 Rule 45 Subpoena is the only way for us to get these 4 documents. So that is why the administrative rules the 5 PUC has for confidentiality doesn't apply in this case. 6 CHAIRMAN HANSON: Thank you. 7 We've got a number of individuals on the 8 telephone, and we've got several in the audience today 9 that represent various telecommunication interests. 10 I think the only testimony that I want to take 11 from any of those individuals today would be limited to -- well, I would limit testimony only coming from 12 13 individuals representing businesses that have information 14 that is confidential that this Subpoena seeks to obtain. 15 And what I would like to hear is obviously you 16 folks represent or may represent businesses that have 17 filed confidential financial statements, and we have a 18 Subpoena that attempts to get at those and provide them 19 to a party that was not party to your particular docket 20 when those confidential financials were filed. 21 And so I would like to, first of all, limit any 22 testimony at this point to only folks representing companies that have these confidential financials that 23 24 are being sought. And then, secondly, to kind of 25 constrain our comments to why this Subpoena shouldn't be

1 granted in that case. 2 Just a second. Before I get to that, Mr. Swier, do you have any 3 4 objection to hearing from the folks in the limited fashion in which I have laid out? 5 6 MR. SWIER: No. As long as they are speaking 7 directly to their particular client, I believe that they 8 would have standing, and I don't object. 9 Thank you. I appreciate that. CHAIRMAN HANSON: 10 Commissioner Hanson, have you joined us? 11 COMMISSIONER HANSON: Yes. Can you hear me all 12 right? 13 CHAIRMAN HANSON: Yes. I can hear you. Thank 14 you. 15 COMMISSIONER HANSON: All right. Having a real 16 challenge getting through here. So if I drop off, I'll 17 try to get back on. 18 CHAIRMAN HANSON: Okay. Sounding good at this point. Thank you. 19 20 With that, I see Mr. Coit has approached the 21 podium. Mr. Coit, would you like to go first? 22 MR. COIT: Sure. Mr. Chairman, Commissioners 23 and Staff, my name is Richard Coit. I'm with the 24 South Dakota Telecommunications Association. I'm not 25 sure -- I guess, based on Mr. Swier's comment, I'm not

1	sure as SDTA if we have standing or not.					
2	I would say that there are four looking at					
3	the list of companies in the Subpoena, there are four					
4	SDTA member companies that were parties, applicants, in					
5	some dockets: TC08-113, which was MidState					
6	Communications; TC09-091, which was McCook Cooperative;					
7	TC11-005, which was Brookings Municipal; and TC11-083,					
8	which was Hills Telephone. All of those companies are					
9	members of the SDTA.					
10	With respect to those individual dockets, I did					
11	not get an opportunity to go in and look to see what, if					
12	any, confidential information was actually present in					
13	those dockets.					
14	With that being said, you know, I do have some					
15	comments with respect to the process and relevancy, but I					
16	guess I would ask the Commission, you know, as to, you					
17	know, whether they feel I have sufficient interest to					
18	comment or not.					
19	CHAIRMAN HANSON: I don't see the issue today					
20	dealing with the relevancy question. That is not an					
21	issue for today. Certainly maybe for another day.					
22	MR. COIT: Well, my only comment would be					
23	certainly, you know, with respect to any of those					
24	companies that are SDTA member companies, provided there					
25	is some confidential information in those dockets, you					

1 know, it would seem that, you know, each of those 2 individual companies should have gotten notice and gotten 3 an opportunity to, you know, protest with respect -- you 4 know, with respect to any of the applicants. 5 I mean, the process -- they have due process 6 rights, and I think those due process rights have to be 7 respected. 8 Thank you. 9 Thank you, Mr. Van Camp. CHAIRMAN HANSON: 10 MR. VAN CAMP: Thank you, Mr. Chairman. Bill Van Camp. I'm the attorney for AT&T Communications of 11 12 the Midwest. 13 You know, as an initial matter the rapid nature 14 in which this came about hasn't allowed me to actually 15 sit down and go through the list with my client and 16 review what has been filed. 17 But I do know in this specific instance of 18 TC04-029 there was confidential information filed. 19 Clearly under your rules my client has the right to 20 review that confidential information. 21 I'll venture to say that there are additional 22 dockets where clients of mine, be it AT&T or others, have 2.3 filed confidential information and clearly each of those 24 have the due process rights that Mr. Coit identified 25 before those are turned over in a blanket Subpoena.

1	Thank you.
2	CHAIRMAN HANSON: Thank you.
3	Ms. Northrup, do you
4	MS. NORTHRUP: Yes. Good morning. This is
5	Margo Northrup on behalf of South Dakota Network, LLC,
6	who is one of the companies that's listed on the list of
7	documents.
8	And in our specific situation we actually filed
9	a Motion in that docket asking for trade secret
10	protection because we've filed some audited financials in
11	that docket.
12	And so, you know, I just found out about this,
13	you know, not as SDN SDN was not notified of this so
14	they have not been given any due process. And under
15	and not only our Administrative Rules, I believe there's
16	a process that if there's confidential information that's
17	sought that needs to be followed, which would include
18	giving notice under our South Dakota Statute 15-6-26C
19	there's a statute that allows us to go in and ask for a
20	protective order in this type of situation, and we can't
21	do that. And these other companies can't do that unless
22	they're given notice that our confidential information
23	might be at risk.
24	And I think that if you don't allow or if you
25	don't follow this process, it's going to make it a lot
25	don't follow this process, it's going to make it a lot

1 more difficult and -- it's going to be more -- it's going 2 to be more difficult for the Commission to get 3 confidential information because it's going to be a lot 4 harder for us to turn over, you know, our very, very 5 trade secrets and proprietary information not knowing 6 whether it can be turned over without any sort of 7 information to us as a company. 8 And so, you know, I don't think that there -- it 9 doesn't appear to me that the Subpoena can be granted 10 without giving notice to each of the parties whose 11 information is sought. 12 Thank you. 13 CHAIRMAN HANSON: Thank you. 14 We'll now go to the individuals on the phone. 15 Todd Lundy, does your client fit within the 16 category that we can hear from today? 17 MR. LUNDY: Not as you've defined it, 18 Mr. Chairman, no. My comments would have gone to 19 relevance and other logistical issues. 20 CHAIRMAN HANSON: Okay. Thank you. 21 Meredith Moore, does your client -- and I think 22 maybe it's already been testified -- fits within the 23 category? 24 MS. MOORE: It does, Mr. Chairman. Mystic 25 Communications is one of the entities for which

1	confidential documentation has been requested.
1 2	
	I would echo the comments of Ms. Northrup,
3	Mr. Coit, and Mr. Van Camp with regard to some of the due
4	process considerations and potentially some additional
5	safeguards that might need to be put in place here,
6	depending on how that information is ultimately going to
7	be used.
8	And I appreciate that that's not typically the
9	standard employed when determining whether subpoenas
10	should be granted, and Mr. Swier is correct in that
11	regard, but I do think there are some considerations that
12	need to be taken into account by the Commission in
13	determining how compliance is effectuated in regard to
14	this particular Subpoena.
15	There are several other of my clients who are
16	also on that list. Unfortunately, because of the timing
17	of this matter I have not had the opportunity to visit
18	with all of them, but I think they would echo the same
19	concerns with regard to how this information is going to
20	be used and what additional safeguards might be put into
21	place in order to protect that information.
22	Thank you.
23	CHAIRMAN HANSON: Thank you.
24	Kathy Ford, does your client fit within that
25	category?

1	MS. FORD: Yes, sir. Good morning. I represent					
2	Midcontinent Communications.					
3	And there are actually five Midcontinent dockets					
4	on the exhibit attached to the Subpoena, including					
5	TC00-085, TC03-068, TC04-081, TC05-161, and TC07-057.					
6	And I have checked each of those dockets, and there was					
7	confidential information filed by Midcontinent in each of					
8	those proceedings.					
9	I would again echo the comments of the other					
10	attorneys have made to this point and would just add to					
11	the comments that, you know, Midcontinent is not a party					
12	to this NAT docket and, therefore, is not a party to the					
13	confidentiality protective order referenced by Mr. Swier.					
14	Our opinion is, of course, that there is a					
15	procedural process under ARSD 20:10:01:43 that addresses					
16	requests for access to confidential information, and I					
17	would say that I disagree with Mr. Swier's assessment					
18	that that only applies in the instance where a party to a					
19	docket or opposing the docket is asking for access to					
20	confidential information.					
21	I've looked at the rule, and it doesn't say					
22						
23	anything about a specific docket or being parties to the					
	anything about a specific docket or being parties to the docket. So at a minimum we think they should have to					
24						

1 it's the Commission's role to ensure fairness in the 2 application of its rules. And there appears to be an 3 underlying assumption in this Subpoena that the 4 Commission is not applying the rules in a fair manner to 5 NAT. 6 And although we're not parties to the docket, I 7 don't see anything in the most recent Summary Judgment 8 Order or anything else that indicates that the Commission 9 has or is holding NAT to a higher standard than any other 10 company. 11 So without such a showing, I quess our position would be that the information in other parties' 12 13 financials is irrelevant, and we would oppose any attempt 14 to provide our information without us having due process 15 to challenge it. 16 CHAIRMAN HANSON: Thank you. 17 Mr. Knudson, does your client fit within the 18 category? 19 MR. KNUDSON: I would say that we're in the same 20 position as CenturyLink. We have serious reservations 21 about the relevancy of this information and (Inaudible) 22 this particular docket and (Inaudible) verify is what would happen with the hearing for June 7 because we need 2.3 24 to plan ahead with respect to travel schedules and so 25 forth.

1 CHAIRMAN HANSON: Thank you. I appreciate 2 that -- that comment. And I don't -- let me -- I'm looking at 3 4 Karen Cremer from Staff. I don't know if you care to 5 weigh in at all on this. 6 MS. CREMER: It really is not our record. 7 CHAIRMAN HANSON: I understand. 8 MS. CREMER: So thank you. 9 CHAIRMAN HANSON: Thank you. 10 Mr. Swier, I'll give you a minute of rebuttal, 11 and then I'll open it up for Commissioner questions. 12 MR. SWIER: Thank you, Mr. Chair. 13 We have complied with Rule 45. The Commission 14 is the custodian of these documents. It would be just 15 like any other third-party Subpoena in any other civil 16 case. 17 And, again, we've complied with Rule 45. We 18 don't -- we think it's very clear that the Administrative 19 Rules that have been cited do not apply to this type of 20 situation and that the Subpoena in this case should be 21 granted. 22 And if the Commission is not going to grant the 2.3 Subpoena, then I would ask that either objections or a 24 protective order be sought so that we can expeditiously 25 take this matter to the Circuit Court for review if we

deem it necessary.

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2 But I think it's very clear we've complied here. We'd ask the court to issue -- we'd ask the court to 3 4 abide by -- excuse me. We'd ask the Commission to abide 5 by the Subpoena and provide the requested information 6 which you're the custodian. 7 CHAIRMAN HANSON: Thank you. At this point, 8 Commissioner questions. 9 I'm not hearing anything so either there's no 10 questions or we've got mute buttons on. 11 COMMISSIONER FIEGEN: Mr. Chairman. 12 CHAIRMAN HANSON: Commissioner Fiegen. 13 COMMISSIONER FIEGEN: Just to look at 14 Rule 20:10:01:43, it looks like that rule is request for 15 access of confidential information, and that's what I've 16 been looking at. 17 Is Mr. Swier -- is that the one he's looking at, 18 or is he looking at another rule? 19 CHAIRMAN HANSON: Mr. Swier, would you like to 20 respond? 21 MR. SWIER: I couldn't hear which rule 22 Commissioner Fiegen cited. 23 CHAIRMAN HANSON: It was 20:10:01:43. 24 MR. SWIER: And I don't have that in front of 25 Is that the rule that cites -- well, I don't have me.

1 the rules in front of me so I can't comment on that 2 particular rule. But I know that earlier Commission Staff had 3 4 questions regarding us not following the administrative 5 process, and I indicated, again, I didn't think that that 6 rule was applicable. But I can definitely look at the 7 20:10:01:43 because, again, I don't have that in front of 8 me. 9 CHAIRMAN HANSON: Commissioner Fiegen, does that 10 answer the question? 11 COMMISSIONER FIEGEN: Yes. Thank you. I quess 12 good enough for today. 13 CHAIRMAN HANSON: Commissioner Hanson, any 14 questions? 15 COMMISSIONER HANSON: I don't have any 16 Thank you, Mr. Chairman. questions. 17 CHAIRMAN HANSON: Okay. Ms. Wiest, any last 18 thoughts? 19 MS. AILTS WIEST: I just wanted a clarification 20 from Mr. Swier. I don't know if I understood your point 21 about asking for objections? You said something about 22 that before you took it to court? MR. SWIER: Well, I believe the proper process 2.3 24 would be that if an entity receives a Rule 45 Subpoena, 25 they can either -- by the time of the date and time of

1 production either request a protective order or simply 2 file written objections in response to the Subpoena. 3 But I don't think it's proper procedure to 4 simply ignore the Subpoena, let the date and time of 5 production go by. I think there has to be some type of 6 response by the due date so that, again, if this is 7 appealed, a record is created. 8 MS. AILTS WIEST: Well, is it possible -- I 9 mean, our rule references that the Commission on its own 10 motion can quash the Subpoena. That would be action by 11 the Commission, would it not? 12 MR. SWIER: Yes. Absolutely. 13 MS. AILTS WIEST: And then is it your position 14 that when someone files information as confidential that 15 the Commission pursuant to a Subpoena can give that 16 information to anyone as long as that person says it's 17 subject to a protective order without the person who 18 filed the confidential information being given any notice that their confidential information is being released? 19 20 MR. SWIER: Yes. I think under our South Dakota 21 Rules it can do that. The Commission is the custodian of 22 this information. I would issue a Rule 45 Subpoena to 2.3 any governmental entity in the state regarding 24 information that that administrative agency is the 25 custodian of, without having to provide individual notice

1 to all the companies.

2	So I think that, again, because the PUC is the
3	custodian, that this Rule 45 Subpoena is proper in asking
4	for the information, especially in light of the
5	protective order that is in place in this case.
6	NAT has had to provide all of its confidential
7	information pursuant to the protective order. The
8	protective order is in place to make sure that that
9	confidential information does not go any further than the
10	scope of the protective order. So, yes, I believe that
11	it is proper to simply subpoena the Commission to produce
12	the records that it has the custody of.
13	MS. AILTS WIEST: Was it your position that even
14	if there wasn't a protective order in place that the
15	Commission would still need to comply with the subpoena
16	and release any confidential information requested by
17	anyone?
18	MR. SWIER: No.
19	MS. AILTS WIEST: Oh. I thought that's what you
20	said.
21	MR. SWIER: I think the protective order makes
22	this an entirely different case, and that was the entire
23	content or intent of the protective order was to make
24	sure the confidential information is indeed protected to
25	the greatest extent possible.

1 MS. AILTS WIEST: And the parties who actually 2 have an interest in their own financial information being released do not deserve any notice that their information 3 4 can be released to someone else? MR. SWIER: I think under our rules that the 5 6 notice is not provided. It would be just like another 7 party subpoenaing NAT for documents that are essentially 8 confidential but that NAT is the custodian of. 9 NAT would be provided with the Rule 45 Subpoena. 10 NAT would then have to as the custodian of the record 11 either produce the documents, seek a protective order, or 12 object on whatever basis to the Subpoena. 13 So I don't see just because we're dealing with 14 the governmental entity where the demands are any 15 different than what it would be from a typical private 16 subpoenaed party. Thank you. I would -- I would 17 MS. AILTS WIEST: 18 have a recommendation to the Commission. 19 Certainly. CHAIRMAN HANSON: 20 MS. AILTS WIEST: I certainly do have a concern 21 about the due process of parties who have filed 22 confidential information with the Commission. And at 23 least under our rules it's certainly appeared that it 24 would be the expectation of the parties that there would 25 be a process before the Commission to release that

1 information.

2	At this point in time I believe those parties
3	have those interested persons have, for the most part,
4	not received any notice of the Subpoena, are not aware
5	that a party is requesting confidential information, and
6	I would recommend that the Commission on its own motion
7	quash this Subpoena.
8	CHAIRMAN HANSON: Thank you.
9	We're at the point of let me just any
10	further Commissioner questions?
11	Hearing none, we are at the point of motions.
12	And I will move that the Commission quash this
13	Subpoena based on the authority granted to us in
14	ARSD 20:10:01:17.01 for the reason that this Subpoena
15	does not give all of the affected parties any due process
16	rights to object to this or to be heard in that fashion.
17	And, secondly, that the Commission has a very
18	specific rule, ARSD 20:10:01:43, that provides anyone,
19	not just parties to those dockets, but anyone access to
20	confidential information, while preserving the due
21	process rights of those that are affected.
22	Discussion on the Motion?
23	COMMISSIONER HANSON: Mr. Chairman.
24	CHAIRMAN HANSON: Commissioner Hanson.
25	COMMISSIONER HANSON: Thank you for the Motion.

1 I think it's very well articulated. The parties have 2 made excellent points regarding their concerns. It's 3 certainly -- this matter is not as simple as it has been 4 presented to us. Due process absolutely needs to be 5 followed, and your Motion succinctly provides for that 6 it. 7 I think there's a tremendous concern regarding 8 the trade secrets, proprietary information, which needs 9 to be protected, and certainly I'm very concerned about 10 the relevance of the information that's being sought. Ιt 11 needs to be substantiated. And there simply must be a 12 reasonable assumption that the information that's being 13 requested is somehow -- contributes to the conclusion of 14 the docket. 15 And that -- I don't -- I'm very uncomfortable 16 with just a Subpoena asking for information -- I won't 17 use the term fishing expedition but it absolutely has to 18 be germane in some content and has to be shown to us to 19 be relevant and the parties need to be able to go through 20 the due process. 21 And I think this particular Subpoena 22 circumvents all of those. So I'm pleased to support the 2.3 Motion that you made. 24 CHAIRMAN HANSON: Thank you. 25 Other discussion?

1 I will simply say in response to Commissioner 2 Hanson that the question of relevance is one that is 3 entirely open yet in my mind. I'm not foreclosed how this information which, you know, ultimately may come 4 5 forward how it may impact upon this case. 6 And so I just wanted to make it very clear that 7 my Motion in no way goes to any predetermination on 8 relevance. That is completely an open question in my 9 mind on this point. 10 Other discussion? 11 Seeing none, all those in favor will vote aye, 12 those opposed nay. 13 Commissioner Hanson. 14 COMMISSIONER HANSON: Ave. 15 Commissioner Fiegen. CHAIRMAN HANSON: 16 COMMISSIONER FIEGEN: Fiegen votes aye. 17 CHAIRMAN HANSON: And Nelson votes aye. Motion carries. 18 19 Now if I might turn to Rolayne, the question 20 that I believe Mr. Knudson asked about, how this affects other timing and the upcoming hearing in this matter. 21 22 Do we have any --23 MS. AILTS WIEST: I would just suggest that 24 Staff can discuss that with the parties. They usually 25 work on procedural issues.

1	CHAIRMAN HANSON: Okay. We will not address					
2	that today.					
3	Anything else for the good of the order?					
4	Seeing none, is there a Motion to Adjourn?					
5	COMMISSIONER FIEGEN: Move to adjourn.					
6	CHAIRMAN HANSON: Move to adjourn. All those in					
7	favor will vote aye.					
8	Commissioner Hanson.					
9	COMMISSIONER HANSON: Aye.					
10	CHAIRMAN HANSON: Commissioner Fiegen.					
11	COMMISSIONER FIEGEN: Fiegen votes aye.					
12	CHAIRMAN HANSON: And Nelson votes aye. Motion					
13	carries.					
14	We are adjourned.					
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STATE OF SOUTH DAKOTA) :SS CERTIFICATE COUNTY OF HUGHES ) I, CHERI MCCOMSEY WITTLER, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public in and for the State of South Dakota: DO HEREBY CERTIFY that as the duly-appointed shorthand reporter, I transcribed the recording of the foregoing proceedings. Dated at Pierre, South Dakota this 6th day of June, 2012. Cheri McComsey Wittler, Notary Public and Registered Professional Reporter Certified Realtime Reporter 

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