

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE PETITION FOR
ELECTRICAL SERVICE BY DAKOTA
TURKEY GROWERS, LLC TO HAVE
DAKOTA ENERGY COOPERATIVE, INC.
ASSIGNED AS IT ELECTRIC PROVIDER
IN THE SERVICE AREA OF NORTHWESTERN
ENERGY

EL04-032

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Transcript of Proceedings
April 26, 2005

ORIGINAL

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BEFORE THE PUBLIC UTILITIES COMMISSION,
GARY HANSON, CHAIRMAN
BOB SAHR, VICE CHAIRMAN
DUSTY JOHNSON, COMMISSIONER

COMMISSION STAFF
Rolayne Ailts Wiest
John Smith
Karen Cremer
Sara Greff
Greg Rislov
Harlan Best
Dave Jacobson
Michele Farris
Jim Mehlhaff
Tina Douglas
Heather Forney
Pam Bonrud

Reported By Cheri McComsey Wittler, RPR, CRR

PRECISION REPORTING
L I M I T E D

APPEARANCES BY TELEPHONE

Colleen Sevold

Melissa Thompson

Cory Kasuski

Mark Rodvold

Melanie Acord

John Witzel

Larry Nelson

Jim Wilcox

Tom Hitchcock

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TRANSCRIPT OF PROCEEDINGS, held in the

above-entitled matter, at the South Dakota State

Capitol, Room 412, 500 East Capitol Avenue, Pierre,

South Dakota, on the 26th day of April 2005, commencing

at 9:30 a.m.

1 CHAIRMAN HANSON: EL04-032, In the
2 Matter of the Petition For Electrical Service by
3 Dakota Turkey Growers, LLC to Have Dakota Energy
4 Cooperative, Incorporated Assigned as its Electric
5 Provider in the Service Area of Northwestern
6 Energy.

7 And there's no question before the Commission
8 today, no hearing. The item up is the Commission's
9 Decision.

10 I will make a Motion at this time that we
11 approve Dakota Turkey Growers' Petition with DTG's
12 own facilities. This approval would include at a
13 minimum the plant itself, the office building, and
14 the future expansions of either of these. These
15 facilities will be built on previously undeveloped
16 land, and I think they clearly fall within what the
17 statute means by a new customer at a new location
18 which develops after March 21, 1975. This approval
19 would not extend at this time to the truck stop.

20 With respect to the six factors set forth in
21 SDCL 49-34A-56, I think the primary inquiry that
22 the statute directs us to make once we're satisfied
23 that the initial threshold findings have been met
24 is into the adequacy of the service that the chosen
25 utility can provide and the preference of the

1 customer.

2 VICE CHAIRMAN SAHR: And,
3 Mr. Chairman, I will second that Motion and maybe
4 provide just a little more rationale on the
5 location. And certainly our Order will certainly
6 get into that as well in more detail. But I think
7 the Commission felt strongly that the plant as you
8 articulated was a new customer at a new location
9 and that the statutory requirements had been met.

10 In the case of the truck stop, however, right
11 now it appears to be something that is speculative
12 in nature. We don't know if that is actually going
13 to go forward. And if you look at the statute, it
14 seems to be driven a lot by the customer and
15 customer requirements, size of the customer.

16 You also have the question about whether or
17 not this would be a new location. And if you look
18 at, you know, the Decker farmhouse being out there,
19 I think we have to get into a more in-depth factual
20 inquiry to determine whether or not this was a new
21 location. But I do feel strongly that the plant
22 itself is a new location and that this is the
23 correct decision for that parcel.

24 COMMISSIONER JOHNSON: I would
25 concur and just add that I agree with the rationale

1 provided by both Commissioners Hanson and Sahr. To
2 me this really is a customer choice statute, once
3 you meet the statutory requirements. I think
4 that's been done in this case. We all realize this
5 is a very important project for South Dakota.

6 I would also add this I think was an important
7 case for the Commission. It was made difficult by
8 the fact that both Dakota Energy and Northwestern
9 are excellent service providers. They do a good
10 job of providing safe, reliable, and affordable
11 energy to their customers.

12 It's also, I think, made more difficult by the
13 fact that the statute can be reasonably interpreted
14 in a number of different ways, and I thought both
15 sides had very compelling legal arguments. I
16 certainly spent a lot more time debating in my mind
17 what I thought a new location is than I ever
18 thought I would.

19 With that, I would concur.

20 CHAIRMAN HANSON: Thank you,
21 gentlemen. Those are very good points. We
22 understand how important this is for the City of
23 Huron for economic development purposes.

1 STATE OF SOUTH DAKOTA)

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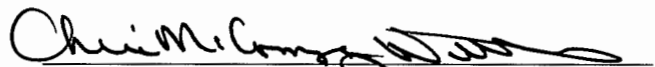
CERTIFICATE

3 COUNTY OF HUGHES)

4
5 I, CHERI MCCOMSEY WITTLER, a Registered
6 Professional Reporter and Notary Public in and for the
7 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 26th day of
11 April 2005, and that the attached is a true and
12 correct transcription of the proceedings so taken.

13 Dated at Pierre, South Dakota this 6th day
14 of May 2005.

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17 

18 Cheri McComsey Wittler,
19 Notary Public and
Registered Professional Reporter