

BEFORE THE PUBLIC UTILITIES COMMISSION  
STATE OF SOUTH DAKOTA

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EL06-016 In the Matter of the Petition for the  
Service by Redfield Energy, LLC to have  
NorthWestern Corporation d/b/a NorthWestern Energy  
Assigned as its Electric Provider in the Service  
Area of Northern Electric Cooperative, Inc.

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

EL06-021 In the Matter of the Filing by NorthWestern  
Corporation d/b/a NorthWestern Energy for Approval  
of a Contract with Deviations with Redfield  
Ethanol Plant.

In the Matter of FERC Docket EC06-127-000

401 E. 8th Street  
Sioux Falls, South Dakota  
October 5, 2006  
1:30 p.m.

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M E E T I N G

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PUBLIC UTILITIES COMMISSION:

Vice-Chairman Dustin Johnson  
Commissioner Gary Hanson

STAFF ATTORNEYS:

Mr. John Smith  
Mr. Greg Rislov  
Ms. Sara Greff

ORIGINAL

1 VICE-CHAIRMAN JOHNSON: With that, it is 2:00.  
2 That's the time for the Public Utilities  
3 Commission. I'm Vice-Chairman Dusty Johnson.  
4 Acting in Chairman Sahr's absence. I've got  
5 with me here in Sioux Falls Commissioner Gary  
6 Hanson. We also have a number of  
7 representatives from NorthWestern here with us  
8 as well as a court reporter. So I would ask  
9 those folks appearing in Pierre in Room 412 and  
10 those appearing telephonically to speak up.

11 This is the time and the place for the  
12 October 5th, PUC meeting. And I'm going to  
13 hold off for just a second because the front  
14 office of the PUC is calling and I want to make  
15 sure they don't have anything important for us  
16 to do here.

17 (Off the record discussion.)

18 All right. With that we are going to go  
19 ahead and determine who else is appearing  
20 telephonically. I had information that perhaps  
21 four people would be joining us. First is  
22 Brett Koenecke on the line?

23 MR. KOENECKE: I decided to come up to 412,  
24 Mr. Vice-Chairman.

25 VICE-CHAIRMAN JOHNSON: Brett, could you go

1 ahead and speak just a little bit louder.

2 MR. KOENECKE: Sure. I'm here live in Room 412  
3 in the capitol building. Is that better?

4 VICE-CHAIRMAN JOHNSON: It is, thanks. The  
5 reporter got all that. How about Monte Hopper?

6 MR. HOPPER: Yes. This is Monte Hopper. I'm  
7 calling from my office in Watertown. I  
8 represent Redfield Energy.

9 VICE-CHAIRMAN JOHNSON: Monte, I think we heard  
10 you but the reporter is having a hard time.  
11 Why don't we give it one more shot.

12 MR. HOPPER: Yes, my name is Monte Hopper. I'm  
13 a lawyer and I'm calling from my office in  
14 Watertown, and I represent Redfield Energy,  
15 LLC.

16 VICE-CHAIRMAN JOHNSON: I think that was  
17 better, Mr. Hopper. Thank you. Tom Knapp, are  
18 you on the line? Mr. Smith, have we had any  
19 communication with Mr. Knapp as far as whether  
20 or not he would be able to be on the call?

21 MR. SMITH: No, I haven't. I've been told up  
22 here that he would be, but Tina had spoken with  
23 Pam Bonnerud that said she thought that he  
24 would be on the call, and he inquired of me  
25 about it, but I haven't been able to get a hold

1 of him.

2 VICE-CHAIRMAN JOHNSON: No problem. How about  
3 Harvey Oliver? Is Mr. Oliver expected to be on  
4 the call?

5 MR. SMITH: I think Harvey was not going to  
6 appear.

7 VICE-CHAIRMAN JOHNSON: Okay. Great. Thanks  
8 very much. With that we will go ahead and go  
9 to our ad hoc meeting. This meeting was  
10 noticed in accordance with state law yesterday.  
11 This is the all Northwestern, all the time  
12 ad hoc meeting. With that we will proceed in  
13 the electricity portion of the docket. I think  
14 we'll take these, number one and number two, in  
15 reverse order. I don't know that it matters a  
16 whole lot, but staff has requested that we do  
17 that.

18 So first item for action will be EL06-021,  
19 and that's in the matter of filing by  
20 NorthWestern for approval of a contract with  
21 deviations with Redfield Ethanol Plant. And  
22 the question before the commission today is  
23 shall the commission approve the contract with  
24 deviations, and shall the commission approve  
25 the tariff revisions. And with that I would

1 turn to whoever is representing NorthWestern in  
2 this docket.

3 MR. KOENECKE: Brett Koenecke, Mr. Chairman,  
4 appearing in Pierre representing NorthWestern  
5 Energy. We're excited to be here this  
6 afternoon talking about the Redfield Energy  
7 project. Both those people in Sioux Falls and  
8 the people at Redfield Energy, LLC, Mr. Hopper  
9 and his client, Bert Magstadt, and NorthWestern  
10 have come together to put a package together  
11 for a big ethanol plant in Spink County. Doing  
12 so required a substantial amount of engineering  
13 and a substantial amount of thought as to how  
14 to tie that ethanol system into the electrical  
15 system in Spink County. And doing so requires  
16 the development of a rate and a tariff to  
17 accurately reflect what the cost of providing  
18 electricity and service was to the folks at  
19 Redfield Energy.

20 I'd invite Jeff Decker and/or Dave  
21 Jacobson to speak with the commission in  
22 greater detail about how that was done, but  
23 we'd certainly ask for your approval of the  
24 contract with deviations here this afternoon.

25 VICE-CHAIRMAN JOHNSON: I would note for

1 everyone on the line and in person, obviously  
2 there is a confidential filing as part of this  
3 docket, and so if anybody thinks that we're  
4 venturing into areas that perhaps would better  
5 be discussed in a confidential session please  
6 speak up. Mr. Decker, Mr. Jacobson, would  
7 either of you like to add anything?

8 MR. DECKER: Dave, go ahead, I guess.

9 MR. JACOBSON: Well, hopefully everybody is  
10 aware of all the aspects of the filing. Jeff  
11 and I talked yesterday and he was going to give  
12 a brief summary, but if he doesn't want to  
13 that's fine. I would just state that the rates  
14 should allow NorthWestern to recover the  
15 incremental costs serving the customer within  
16 the ten-year period described by the company in  
17 the filing. The incremental capacity needed to  
18 serve the customer has been priced at the  
19 incremental cost of purchasing it as opposed to  
20 average system costs. And with the conditions  
21 recommended by staff which will follow, the  
22 commission clearly retains its ability to  
23 protect other ratepayers from the risks of  
24 paying for possible underrecovery of costs  
25 caused by the customer. Those conditions would

1 be the same as those that were used in Docket  
2 NG06-003, which was a similar type of filing by  
3 NorthWestern. And those conditions would be  
4 that NorthWestern Energy provide a report to  
5 the commission of all costs of constructing the  
6 electric extension upon completion of the  
7 extension. And that this approval does not  
8 pre-determine a commission decision at the time  
9 of future rate case proceedings regarding rate  
10 treatment concerning possible cost recovery  
11 shortfalls resulting from rates approved in  
12 this docket.

13 With those two conditions I would  
14 recommend approval of the filing and would be  
15 here to help answer any questions that the  
16 commissioners might have.

17 VICE-CHAIRMAN JOHNSON: Question for  
18 Mr. Jacobson. You know, notes in the filing  
19 that there will be under a contract with  
20 deviations for five years, and then they will  
21 be under a Rate 34. When we discuss concerns  
22 about other customer classes subsidizing this  
23 rate, making sure that that doesn't happen, do  
24 we look at the whole term of the agreement or  
25 do we -- I mean, do we want to make sure in any

1 given year there isn't any subsidization by  
2 other customers?

3 MR. JACOBSON: Well, yeah, there will be no  
4 subsidization until the company came into  
5 change rates which would present an opportunity  
6 for subsidization to occur. Within the first  
7 five-year period the costs of -- the  
8 incremental costs of serving the customer, of  
9 building facilities needed will not be  
10 recovered by that time, but shortly thereafter  
11 full recovery should occur during the second  
12 five-year period under Rate 34 with the  
13 Option L.

14 VICE-CHAIRMAN JOHNSON: Mr. Decker, did you  
15 have anything else to add?

16 MR. DECKER: No. I think that states it  
17 finally. I mean, over the term of the  
18 agreement obviously we'll be recovering that  
19 investment. Customers will not be subsidizing  
20 this project, and there will be margin  
21 available to cover overheads of the company.  
22 As part of economic development, I mean, the  
23 company recognizes that in order to be  
24 competitive in the first five years we needed  
25 to offer reduced rate compared to the normal

1 tariff rate, so that's what we've done in order  
2 to compete and secure the loan.

3 VICE-CHAIRMAN JOHNSON: I need commissioner  
4 questions, other commissioner questions or  
5 comments, or questions or comments by advisors.

6 MR. RISLOV: Commissioner Johnson, this is Greg  
7 Rislov. If I could ask a question of Jeff  
8 Decker.

9 VICE-CHAIRMAN JOHNSON: Yeah. Go ahead, Greg.

10 MR. RISLOV: How many people will be employed  
11 at this plant?

12 MR. MORRIS: My understanding, Greg -- this is  
13 Jay Morris -- was that there would be 30  
14 employees at the plant. I probably would defer  
15 to Monte on that. He's probably got more  
16 information, and if Burt Magstadt is with him  
17 he could be more precise.

18 MR. HOPPER: Yeah. And actually I'm afraid  
19 that I can't be more specific than that.  
20 That's my general understanding, but as far as  
21 the specific number I don't have that  
22 information at this point.

23 MR. MORRIS: The number was certainly higher in  
24 the construction stage, but initially when we  
25 visited it was 30 employees.

1 MR. RISLOV: Thank you.

2 MR. MORRIS: You bet.

3 VICE-CHAIRMAN JOHNSON: Mr. Jacobson, this is  
4 Dusty Johnson. Did staff have any conditions  
5 or other recommendations with regard to this  
6 filing?

7 MR. JACOBSON: Only the ones I mentioned  
8 earlier. Regarding a report about the actual  
9 costs upon completion of the extension facility  
10 and the finding by the commission that the  
11 approval does not pre-determine future  
12 condition rate treatment regarding this rate.  
13 It will be worked into the next rate case.

14 VICE-CHAIRMAN JOHNSON: Any other questions or  
15 comments?

16 MR. SMITH: Mr. Koenecke, did you have  
17 something else to add?

18 MR. KOENECKE: I just want to clarify what I  
19 think Mr. Jacobson is saying, and that is if  
20 there were to be a system-wide rate case  
21 started by either NorthWestern or the  
22 commission, that what you're saying this  
23 outcome today won't be a pre-determining factor  
24 as to what rates might be in the event of  
25 system-wide rate case. Correct?

1 MR. JACOBSON: Yes. One way to put it is that  
2 this does not determine whether or not the  
3 commission would consider allowing other  
4 ratepayers to help recover a possible  
5 underrecovery that results from this rate.

6 MR. SMITH: Thank you.

7 VICE-CHAIRMAN JOHNSON: If there aren't any  
8 other questions or comments the floor would be  
9 open to commission action.

10 COMMISSIONER HANSON: I move for approval  
11 according to the staff recommendations for the  
12 contract with deviations as well as to approve  
13 the tariff revisions on EL06-021.

14 VICE-CHAIRMAN JOHNSON: Hanson motions and  
15 Johnson seconds. And that -- those motions  
16 carry. Gary, did you make the motion for the  
17 contract and the tariff provisions?

18 COMMISSIONER HANSON: Yes.

19 VICE-CHAIRMAN JOHNSON: Both motions carry.  
20 And obviously a big day for Redfield and  
21 NorthWestern and the project.

22 Next up is EL06-016, and this is in the  
23 matter of the petition for electrical service  
24 by Redfield Energy, LLC, to have NorthWestern  
25 assigned as its electric provider in the

1 service area of Northern Electric Cooperative.  
2 Obviously a related docket item, and the  
3 question before the commission today is shall  
4 the commission approve the joint request for an  
5 electric service rights exception.

6 Mr. Koenecke, would you like the first crack?

7 MR. KOENECKE: I'd be glad to take that,  
8 Mr. Chairman. Back in about the end of May  
9 Redfield Energy acting through Burt Magstadt  
10 and Monte Hopper provided the commission with a  
11 petition asking for a change under Section 56  
12 of the electrical service provider for this  
13 site which is just northwest of Redfield. This  
14 is going to be sited in what is currently  
15 Northern Electric Cooperative's territory.  
16 NorthWestern Energy joined in that petition at  
17 the same time alleging that there's an adequate  
18 power supply to meet the electric service  
19 requirements. We have adequate facilities in  
20 close proximity and can provide services with a  
21 minimum of construction, and we still believe  
22 that to be the case.

23 Northern Electric of course intervened, as  
24 is their right, and we've wrangled with them  
25 over the summer and into the fall, and we're

1 finally at a point where we presented you with  
2 a settlement agreement and service rights  
3 exception which I think would be under Section  
4 55 of the Code, but we've essentially agreed  
5 that the site where the plant is to be  
6 constructed and built will be a service rights  
7 exception if you'll grant that today such that  
8 NorthWestern will be serving that location into  
9 the future.

10 If you've got any questions we would be  
11 glad to try to answer those. We think we were  
12 better placed in physical proximity. We've got  
13 a substation about a mile south of this  
14 location. And if I recall they would have had  
15 to come in with like thirteen-and-a-half miles.  
16 Please don't hold to me to that, but it was  
17 extensive. That the facility would have to  
18 have been put in by Northern Electric given the  
19 location of the plant, and we think we were  
20 closer and able to serve it in redundant  
21 fashion with the facilities -- or should I say  
22 redundant power coming in I think from three  
23 directions if I've got that correct. And so we  
24 think it's better for everybody. And we've  
25 agreed in the service rights exception

1 agreement and would hope that you'd approve  
2 that today, this afternoon. Thank you.

3 VICE-CHAIRMAN JOHNSON: Mr. Hopper, did you  
4 have anything else to add?

5 MR. HOPPER: We have nothing else other than to  
6 just say that we do request that the petition  
7 be approved and the settlement agreement be  
8 approved as well.

9 VICE-CHAIRMAN JOHNSON: Staff? Mr. Jacobson,  
10 Mr. Solem, Ms. Cremer, any comments or  
11 recommendations?

12 MR. SOLEM: This is Nathan Solem with staff.  
13 The fact that NorthWestern can serve the  
14 customer from a point a mile away versus a  
15 longer distance from Northern Electric means  
16 that there's lower installation --

17 (Mr. Tom Knapp is joining the meeting.)

18 MR. SOLEM: And this allows for the provision  
19 of adequate service and promotion of the  
20 efficient and economical use and development of  
21 electric systems as required for such agreement  
22 under SDCL 49-34A-55; therefore, staff  
23 recommends approval of this territory rights  
24 exception.

25 VICE-CHAIRMAN JOHNSON: Thank you, Mr. Solem.

1 Are there any commissioner or advisor questions  
2 or comments? Hearing none, the floor is open  
3 for commission action. And I will move that  
4 the commission approved the joint request from  
5 electric service rates exception.

6 COMMISSIONER HANSON: Second, Hanson.

7 VICE-CHAIRMAN JOHNSON: Motion has been made  
8 and seconded and passes. With that we go to  
9 the final agenda item under administration,  
10 number one, in the matter of the FERC Docket  
11 EC06-0127-000, and this is the FERC proceeding  
12 regarding the Babcock and Brown Infrastructure  
13 and NorthWestern merger. And the question  
14 before the commission is shall the commission  
15 approve the proposed settlement agreement  
16 between applicants and the commission involving  
17 that docket, and shall the commission authorize  
18 the executive director and the general counsel  
19 of the commission to execute the settlement  
20 agreement on behalf of the commission.

21 Mr. Smith, do we have any particular  
22 update? I know you've been working feverishly  
23 on this, and we may or may not take action  
24 today. Do you have any update? And I know  
25 Mr. Knapp is on the line as well.

1 MR. SMITH: I do, Mr. Chairman. I regret to  
2 say that we don't quite have a final agreement.  
3 We're down to a couple three minor things that  
4 I think are fairly minor. Maybe Tom Knapp can  
5 give you a different take on it. I believe  
6 they can be resolved in relatively short order.  
7 We have a logistical problem prior to the issue  
8 because this particular agreement, it does  
9 involve BBI as a signatory. And the BBI is in  
10 Australia, and it's 2:00 in the morning over  
11 there. So unfortunately we're unable to get  
12 the last couple things signed off on by them.

13 I'm willing to take a little of the  
14 responsibility for that -- of this as well. We  
15 were going to try to get the draft done last  
16 night, but I have a health issue I'm dealing  
17 with right now and I wasn't able to stay last  
18 night and keep on it. So I don't know, Tom,  
19 whether you have anything to add. We're  
20 extremely close. I feel bad because I'm the  
21 one that brought this before the commission  
22 today thinking we would be completely done, and  
23 we're not done.

24 VICE-CHAIRMAN JOHNSON: Mr. Smith, I appreciate  
25 your willingness to throw yourself on the

1 sword, but I do know that, you know, in general  
2 the commissioners' instruction to you had been  
3 to keep this on the front burner and move  
4 quickly because obviously FERC is running their  
5 own proceedings. We don't tell them when to  
6 act, and I know FERC action can come at any  
7 day. So don't take all the blame on yourself  
8 certainly.

9 MR. KNAPP: Mr. Commissioner, John Smith, and  
10 others, I will certainly fall on my sword and  
11 take some of the blame. Obviously John and I  
12 have been working very hard to get to an  
13 agreement that both sides would be comfortable  
14 with, and we are substantially there. There  
15 were just a few issues that we needed to vet,  
16 and that's what we're doing now. And I don't  
17 see why we wouldn't be able to wrap this up  
18 very shortly so -- and I apologize for not  
19 being able to coordinate on my side. It's my  
20 fault for not doing that, so I will take the  
21 heat on that. But, Mr. Commissioner, and  
22 others, I would say that we're pretty close.  
23 We're very close, frankly, and we should be  
24 able to get there soon.

25 VICE-CHAIRMAN JOHNSON: Thanks, Mr. Knapp.

1 And, you know, this is -- these kind of  
2 deliberations are incredibly technical. And  
3 this is a very big deal. It's a very big deal  
4 for BBI and NorthWestern, and certainly the  
5 people of South Dakota. So as much as we'd  
6 like to be able to have this thing done today,  
7 and I certainly am impatient enough to want it  
8 done today. I certainly understand these  
9 things take time. Commissioner Hanson, did you  
10 have any questions or comments?

11 COMMISSIONER HANSON: No, I don't know that it  
12 would be appropriate just now with the process  
13 in the discussion stages, and just appreciate  
14 that everyone's working together and working  
15 hard to try to bring it to fruition and look  
16 forward to having an agreement.

17 VICE-CHAIRMAN JOHNSON: Dusty Johnson again  
18 here. I do feel impatient regarding a timeline  
19 just because I know that FERC could act any  
20 day. If we were going to continue this meeting  
21 to a time certain so that we stay in accordance  
22 with state law, what, Mr. Knapp, Mr. Smith, do  
23 you have suggestions as to an appropriate time?  
24 Perhaps, I mean, tomorrow afternoon? Is that  
25 pushing it too much?

1 MR. KNAPP: I think tomorrow afternoon would  
2 be -- would be difficult, Mr. Commissioner,  
3 principally because I still need to go over  
4 some of the last-minute changes that I  
5 suggested and John pushed back on. And I still  
6 need to run them by all parties concerned. And  
7 so -- and I know Monday is a holiday. I  
8 apologize. I know that makes it difficult, but  
9 if we could do it Tuesday I'm certain that  
10 we'll have it wrapped up by that time.

11 VICE-CHAIRMAN JOHNSON: How confident are you,  
12 Mr. Knapp, that the commission, and, I mean,  
13 FERC, wouldn't act before next week?

14 MR. KNAPP: Well, I'm always nervous about  
15 obviously judging when either judicial bodies  
16 or administrative bodies would act. There's no  
17 indication that we have or that any of the  
18 parties have had that they were going to act.  
19 They do know that the South Dakota Public  
20 Utilities Commission and the applicants are  
21 trying to work out the issues that were raised.  
22 So I have no idea when they're going to act.  
23 They do have up until 180 days under their  
24 merger policy, so we know they have up until  
25 the end of the year to render a decision. So

1 that's probably the best I can tell you. I  
2 couldn't tell you, you know, if they're going  
3 to act tomorrow or, you know, two months from  
4 now. But, as I said, they do know that we're  
5 obviously trying to work out our differences,  
6 and so that's the information they have.

7 VICE-CHAIRMAN JOHNSON: Am I right in  
8 remembering that the filing deadline at FERC  
9 expired a couple of weeks ago? Is that right?

10 MR. KNAPP: I may have these dates wrong, but I  
11 think I'm pretty close, is that the extended  
12 date for persons to file protest,  
13 interventions, or comments I believe was  
14 somewhere around April 19th. We had until  
15 April 29th. We did provide -- we did enter  
16 into an agreement with the South Dakota PUC to  
17 extend their time. That expired, and, you  
18 know, FERC may or may not be waiting for the  
19 applicants to let them know if they have the  
20 issues with South Dakota resolved before they  
21 move forward. There's probably a good hunch  
22 that they're waiting for that.

23 VICE-CHAIRMAN JOHNSON: Mr. Knapp, you said  
24 April.

25 MR. KNAPP: I'm sorry. August. I apologize.

1 VICE-CHAIRMAN JOHNSON: All right.

2 MR. SMITH: So, Tom, your filing was made, your  
3 responsive filing was made on September 19th?

4 Tom? This is John Smith.

5 MR. KNAPP: No. I'm trying to recall. I don't  
6 recall the exact date.

7 MR. SMITH: Okay.

8 VICE-CHAIRMAN JOHNSON: Mr. Smith, do you have  
9 a recommendation for us? I mean, I am quite  
10 reticent to push this off another week, but if  
11 we're not going to be able to reach an  
12 agreement by tomorrow I certainly don't want to  
13 have everyone think -- I don't want to do this  
14 again. Do you have a recommendation?

15 MR. SMITH: Well, I mean, as you know, I have a  
16 personal handicap between now and tomorrow  
17 because I'm going to be in the hospital, so  
18 it's not that I couldn't -- it might be  
19 possible. It would be very difficult to get  
20 there between now and tomorrow just from a  
21 logistical standpoint. And I'm like you. I  
22 desperately would like to have this done if for  
23 no other reason so we could have a weekend  
24 without having to think about it for a while.  
25 But, I don't know, if Tom believes he needs --

1 is part of the issue, Tom, that you'd like --  
2 that Mike has been gone incommunicado? Is that  
3 some of it?

4 MR. KNAPP: Well, Mike is obviously not in --  
5 not an ability to communicate with us. It's  
6 also obviously trying to get everybody together  
7 to review the last -- the last revisions in the  
8 agreement. And so to do that, try to get time  
9 differences together, it just makes Friday  
10 afternoon, I think, probably not doable in that  
11 Tuesday -- I think Tuesday would be the best --  
12 would be the best day if the commission is  
13 willing to do that.

14 VICE-CHAIRMAN JOHNSON: Okay. Well, I think  
15 I'm stupid but I'm not crazy. And it certainly  
16 sounds as though next week makes more sense.  
17 Is there a time of day that works for the  
18 parties?

19 MR. SMITH: I'm just going to throw out, how  
20 would -- I don't know -- like 1:30 or 2:00.  
21 That gives us some time in the morning in case  
22 there are some last-minute things to deal with.  
23 But whatever -- whatever the chairman would  
24 like is okay with me. I don't know, Tom, do  
25 you have a preference?

1 MR. KNAPP: You know, I think that time is  
2 fine. Whatever time -- again, whatever time  
3 the chairman feels is appropriate we will go  
4 along with.

5 VICE-CHAIRMAN JOHNSON: Let's go ahead and set  
6 it tentatively at this time at 2:00 on Tuesday.  
7 Mr. Smith, do you think it would be better to  
8 continue or to have a new meeting and repost  
9 the meeting?

10 MR. SMITH: Why don't we do both. I think you  
11 can continue this until Tuesday, but I would  
12 also perhaps ask our administrative staff to  
13 proceed with issuing another ad hoc notice for  
14 Tuesday.

15 VICE-CHAIRMAN JOHNSON: Let's go ahead and do  
16 that. This is a big decision, big issue, and  
17 we certainly want everybody to be -- who wants  
18 to be aware of what the commission is doing to  
19 be aware of it. Let's set that at 2:00. We do  
20 have another commissioner we're going to check  
21 with and make -- we want to make sure this  
22 works for everybody. And, Mr. Knapp, you'll  
23 want to check and make sure that it works on  
24 your end. But unless -- unless by tomorrow  
25 morning somebody has a different time in mind

1 let's go with 2:00 on Tuesday. Does that make  
2 sense?

3 MR. SMITH: I think it does. One other caveat,  
4 as you know, Mr. Chairman, here in Pierre we  
5 always have to deal with the issue of space and  
6 communications competition with other agencies.  
7 So we'll have to have the administrative staff  
8 clear the availability of both telephone  
9 equipment and room, but that -- if that isn't a  
10 problem I think that will work.

11 VICE-CHAIRMAN JOHNSON: All right. Thanks. Is  
12 a motion necessary or informal action fine to  
13 defer action on this, Mr. Smith?

14 MR. SMITH: I think -- I would prefer a motion,  
15 a motion to continue until Tuesday or to defer,  
16 whichever word you want to use.

17 VICE-CHAIRMAN JOHNSON: I'll make a motion to  
18 defer administrative item number one and also  
19 to continue this meeting until 2:00 on Tuesday.

20 COMMISSIONER HANSON: Second.

21 VICE-CHAIRMAN JOHNSON: Motion is made and  
22 seconded and carries. Is there any further  
23 business before the commission? Seeing none,  
24 this meeting is over. Thank you to everybody  
25 on the phone and in Pierre.

1 STATE OF SOUTH DAKOTA )

2 :SS CERTIFICATE

3 COUNTY OF MINNEHAHA )

4

5 I, Pat L. Beck, Registered Merit Reporter and  
6 Notary Public within and for the State of South Dakota:

7 DO HEREBY CERTIFY that I took the proceedings of  
8 the foregoing Public Utilities Commission Meeting, and the  
9 foregoing pages 1-24, inclusive, are a true and correct  
10 transcript of my stenotype notes.

11 I FURTHER CERTIFY that I am not an attorney for,  
12 nor related to the parties this action, and that I am in no  
13 way interested in the outcome of this action.

14 In testimony whereof, I have hereto set my hand  
15 and official seal this 10th day of October, 2006.

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Pat L. Beck, Notary Public

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Expiration Date: June 11, 2011

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Iowa CSR Number: 1185

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