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South Dakota Public Utilities Commission Meeting
November 5, 2013, at 9:30 A.M. CST
Room 413, Capitol Building
Pierre, South Dakota

NOTE: If you wish to join this meeting by conference call, please contact the Commission at 605-773-3201 by 5:00 p.m. CDT on Monday, November 4, 2013. Lines are limited and are given out on a first come, first served basis, subject to possible reassignment to accommodate persons who must appear in a proceeding. Ultimately, if you wish to participate in the Commission Meeting and a line is not available, you may have to appear in person.

NOTE: To listen to the Commission Meeting live please go to the PUC's website www.puc.sd.gov and click on the LIVE link on the home page. The Commission requests persons who will only be listening to proceedings and not actively appearing in a case listen via the web cast to free phone lines for those who have to appear. The Commission meetings are archived on the PUC's website under the Commission Actions tab, Click on "Commission Meeting Archives," to access the recordings.

NOTE: Notice is further given to persons with disabilities that this Commission meeting is being held in a physically accessible place. If you have special needs, please notify the Commission and we will make all necessary arrangements.

AGENDA OF COMMISSION MEETING

Administration

1. Approval of the Minutes of the Commission Meetings Held on October 9, 2013 and October 22, 2013 (Staff: Joy Lashley)

Consumer Reports

1. Status Report on Consumer Utility Inquiries and Complaints Received by the Commission (Consumer Affairs: Deb Gregg)

Electric

1. **EL13-016 In the Matter of the Filing by Otter Tail Power Company Regarding its Proposed South Dakota Energy Efficiency Plan for 2014-2015 (Staff Analysts: Brian Rounds, Darren Kearney; Staff Attorney: Karen Cremer)**

On May 1st, 2013, the Commission received a filing from Otter Tail Power Company (Otter Tail) requesting approval of its proposed South Dakota Energy Efficiency Plan for 2014-2015. The proposed plan includes projects for all customer classes and major end uses that have the greatest potential for energy savings. Further, the plan has new program offerings for both residential and commercial customers.

TODAY, shall the Commission approve Otter Tail Power Company's 2014-2015 Energy Efficiency Plan?

2. **EL13-028 In the Matter of the Application of Montana-Dakota Utilities Co. and Otter Tail Power Company for a Permit to Construct the Big Stone South to Ellendale 345 kV Transmission Line (Staff Analysts: Brian Rounds, Darren Kearney; Staff Attorney: Karen Cremer)**

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On August 23, 2013, Montana-Dakota Utilities Co., a division of MDU Resources, and Otter Tail Power Company filed an application for a permit to construct a 345 kV transmission line of approximately 150 to 160 miles in Brown, Day, and Grant counties to the Big Stone South Substation in Grant County, South Dakota, near Big Stone City. On October 18, 2013, an Application for Party Status was filed by Gerald Pesall.

TODAY, shall the Commission grant intervention to any party that may have filed?

3. EL13-031 In the Matter of the Request for Approval of an Electric Service Territory Boundary Agreement between Dakota Electric Cooperative, Inc. and NorthWestern Corporation dba NorthWestern Energy (Staff Analyst: David Henry; Staff Attorney: Kristen Edwards)

On September 20, 2013, Commission Staff filed an Electric Service Territory Boundary Agreement between Dakota Electric Cooperative, Inc. and NorthWestern Corporation dba NorthWestern Energy. This filing is made pursuant to current efforts of the PUC to verify electric territory mapping data for conversion to electronic format and use in a Geographic Information System (GIS) database. With the assistance of the above-referenced utilities, Commission Staff has confirmed the service territory boundary shared by these utilities and has prepared updated mapping information. Commission Staff asks for approval of the agreement to update official mapping data to properly reflect the service territory boundaries shared by the utilities in this docket.

TODAY, shall the Commission approve the proposed electric service territory boundary agreement?

Telecommunications

1. In the Matter of the Failure of Certain Telecommunications Companies to Timely Pay their Post-Petition Gross Receipts Tax and Maintain Good Standing with the Secretary of State and Department of Revenue (Finance Manager: Cindy Kemnitz)

The following companies have failed to timely pay their post-bankruptcy petition gross receipts tax as required by SDCL 49-1A and have failed to maintain in good standing their registrations with the Secretary of State and sales tax permits with the Department of Revenue:

@link Networks, Inc.
 Alticom, Inc.
 Caribbean Telephone and Telegraph, Inc.
 J D Services, Inc. ~DBA: American Freedom Network
 NET-tel Corp
 Parcel Consultants dba Minimum Rate Pricing, Inc.
 Pathnet, Inc.
 Starlink Communications, LLC
 Total National Telecommunications, Inc. ~DBA: Total World Teleco
 Univance Telecommunications, Inc.

The following companies have failed to timely pay their gross receipts tax as required by SDCL 49-1A:

1 800 Collect, Inc.
 Broadvox-CLEC, LLC
 Covista, Inc.
 Go Solo Technologies, Inc.
 Hawk Relay, LLC
 MCC Telephony of the Midwest, LLC
 NET TALK.COM, INC.
 Yestel USA, Inc.

TODAY, shall the Commission issue an Order to Show Cause as to why the Commission should not revoke the Certificates of Authority of each of the first set of companies for failure to pay the requisite post-bankruptcy petition gross receipts taxes and maintain in good standing their Secretary of State corporate registrations and sales tax permits from the Department of Revenue and fine, and/or suspend or revoke the Certificates of Authority of each of the second set of companies for failure to timely pay the requisite gross receipts tax?

2. TC10-026 In the Matter of a Complaint Filed by Sprint Communications Company, LP Against Native American Telecom, LLC Regarding Telecommunications Services (Staff Analyst: Patrick Steffensen; Staff Attorney: Karen Cremer)

On May 4, 2010, the Commission received a complaint from Sprint Communications Company, LP (Sprint) against Native American Telecom, LLC (NAT), in which Sprint seeks: 1) a determination that the Public Utilities Commission (Commission) has the sole authority to regulate Sprint's intrastate interexchange services and that NAT lacks authority to bill Sprint for switched access services without a Certificate of Authority and valid tariff on file with the Commission; 2) a declaration that because the Commission has the sole authority over Sprint's intrastate interexchange services, the Crow Creek Sioux Tribe Utility Authority is without jurisdiction over Sprint; 3) a determination that NAT must repay Sprint the amounts it inadvertently paid NAT for unauthorized and illegal switched access charges. On October 29, 2013, a Stipulation for Dismissal Without Prejudice was filed.

TODAY, shall the Commission grant the Stipulation for Dismissal Without Prejudice?

3. In the Matter of the Request for Certification Regarding the Use of Federal Universal Service Support in Dockets TC13-057, TC13-059, TC13-064, TC13-067, TC13-071, TC13-080, TC13-089, TC13-094, TC13-099, TC13-100 and TC13-102.

TC13-057 In the Matter of the Filing by Santel Communications Cooperative for Certification regarding its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

On June 24, 2013, the Commission received an application from Santel Communications Cooperative requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company. On July 15, 2013, and July 31, 2013, the Company responded to Staff's data requests.

TC13-059 In the Matter of the Filing by TrioTel Communications Inc. for Certification regarding its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

On June 25, 2013, the Commission received an application from TrioTel Communications Inc. requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company. On July 15, 2013, and July 23, 2013, the Company responded to Staff's data requests.

TC13-064 In the Matter of the Request of Farmers Mutual Telephone Company for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Robin Meyerink; Staff Attorney: Kristen Edwards)

On June 26, 2013, the Commission received an application from Farmers Mutual Telephone Company requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company.

TC13-067 In the Matter of the Request of Interstate Telecommunications Cooperative, Inc. fka Stockholm-Strandburg Telephone Company for Certification Regarding its Use of

Federal Universal Service Support (Staff Analyst: Darren Kearney; Staff Attorney: Karen Cremer)

On June 26, 2013, the Commission received an application from Interstate Telecommunications Cooperative, Inc. (fka Stockholm-Strandburg) requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company.

TC13-071 In the Matter of the Request of Golden West Telecommunications Cooperative, Inc., Study Area Codes: 391640, 391659, 391667, 391677, 391684 and 391686 for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Robin Meyerink; Staff Attorney: Karen Cremer)

On June 27, 2013, the Commission received an application from Golden West Telecommunications Cooperative, Inc. requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company.

TC13-080 In the Matter of the Filing by Alliance Communications Cooperative Inc. for Certification regarding its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

On June 25, 2013, the Commission received an application from Alliance Communications Cooperative Inc. requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company. On July 22, 2013, and July 23, 2013, and October 15, 2013, and October 22, 2013, the Company responded to Staff's data requests.

TC13-089 In the Matter of the Filing by Valley Telecommunications Cooperative Association, Inc. for Certification regarding its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

On June 28, 2013, the Commission received an application from Valley Telecommunications Cooperative Association, Inc. requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company. On July 16, 2013, July 22, 2013, and October 22, 2013, the Company responded to Staff's data requests.

TC13-094 In the Matter of the Filing by City of Faith Municipal Telephone Company for Certification regarding its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

On June 28, 2013, the Commission received an application from City of Faith Municipal Telephone Company requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company. On July 15, 22, and 31, 2013, the Company responded to Staff's data requests.

TC13-099 In the Matter of the Filing by Long Lines Wireless LLC for Certification regarding its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

On June 25, 2013, the Commission received an application from Long Lines Wireless LLC requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company. On July 16, 31, 2013, and October 15, 2013, the Company responded to Staff's data requests.

TC13-100 In the Matter of the Request of Western Telephone Company for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Robin Meyerink; Staff Attorney: Kristen Edwards)

On July 1, 2013, the Commission received an application from Western Telephone Company requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company.

TC13-102 In the Matter of the Request of City of Brookings Municipal Telephone for Certification Regarding its Use of Federal Universal Service Support (Staff Analyst: Robin Meyerink; Staff Attorney: Kristen Edwards)

On July 1, 2013, the Commission received an application from Brookings Municipal Telephone requesting the Commission to issue a certification to the FCC and USAC indicating it is in compliance with 47 U.S.C. Section 254(e) and should receive all federal universal service support determined for distribution to the Company.

TODAY, shall the Commission provide a certification to the Federal Communications Commission and to the Universal Service Administration Company regarding the use of Federal Universal Service Support in each of the above dockets?

4. TC13-091 In the Matter of the Filing by Northeast Nebraska Telephone Company for Certification regarding its Use of Federal Universal Service Support (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)

On June 28, 2013, the Commission received an application from Northeast Nebraska Telephone Company requesting the Commission to grant a waiver of the Commission's ETC filing requirements pursuant to ARSD 20:10:32:56, on the grounds that the reporting requirements are unduly burdensome. On July 16 and 23, 2013, the Company responded to Staff's data requests.

TODAY, shall the Commission grant the waiver and certify Northeast Nebraska Telephone Company?

5. TC13-112 In the Matter of the Filing by Teleport Communications America, LLC for Approval of its Access Services Tariff (Staff Analyst: Eric Paulson; Staff Attorney: Karen Cremer)

On October 1, 2013, the Commission received a filing from Teleport Communications America, LLC (Teleport). This filing is for approval of its initial Access Services Tariff. On October 3, 2013 Teleport responded to Staff's data request. Teleport seeks an effective date of November 1, 2013.

TODAY, shall the Commission approve the Access Services Tariff?

6. TC13-113 In the Matter of the Approval of an ICC VoIP Amendment to an Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Level 3 Communications, LLC (Staff Attorney: Karen Cremer)

On October 4, 2013, the Commission received a filing pursuant to 47 U.S.C. § 252 for approval of an amendment to an ICC VoIP Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Level 3 Communications, LLC.

TODAY, shall the Commission approve the amendment to the interconnection agreement?

7. TC13-114 In the Matter of the Approval of a Relative Use Factor Amendment to an Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Level 3 Communications, LLC (Staff Attorney: Karen Cremer)

On October 4, 2013, the Commission received a filing pursuant to 47 U.S.C. § 252 for approval of a Relative Use Factor Amendment to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Level 3 Communications, LLC.

TODAY, shall the Commission approve the amendment to the interconnection agreement?

Items for Commission Discussion

Announcements

1. An ad hoc commission meeting will be held Thursday, October 31, 2013, beginning at 9:30 a.m. CDT in Room 413 at the State Capitol Building, Pierre, S.D.
2. The PUC offices will be closed Monday, November 11, 2013, in observance of Veterans Day.
3. Commissioners will attend the annual meeting of the National Association of Regulatory Utility Commissioners November 17-20, 2013, at the Hilton Bonnet Creek Hotel, Orlando, Florida.
4. The next regularly scheduled commission meeting will be Friday, November 22, 2013, at 9:30 a.m. CST in Room 413 at the State Capitol Building, Pierre, S.D.
5. Commission meetings are scheduled for December 3 and 17, 2013.

/S/Cindy Kemnitz

Cindy Kemnitz

Finance Manager

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October 29, 2013