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South Dakota Public Utilities Commission Meeting

June 11, 2015, at 9:30 A.M. CDT

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 Wednesday, June 10, 2015. 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

Consumer Reports

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

Electric

1. **EL15-018 In the Matter of the Joint Request for Service Rights Exception between NorthWestern Corporation dba NorthWestern Energy and Central Electric Cooperative, Inc. (Staff Analyst: Eric Paulson; Staff Attorney: Kristen Edwards)**

On May 15, 2015, NorthWestern Energy (NorthWestern) filed a request for a service rights exception between NorthWestern and Central Electric Cooperative, Inc. (Central Electric). With this request Central Electric would provide single phase electrical service to a 10 HP motor for a drain tile pump system located within the NorthWestern territory.

TODAY, shall the Commission approve the requested service rights exception between NorthWestern and Central Electric?

2. **EL15-020 In the Matter of the Application by Wind Quarry Operations, LLC, for a Wind Energy Facility Permit for the Willow Creek Wind Energy Facility and Associated Facilities (Staff Analysts: Brian Rounds, Darren Kearney; Staff Attorney: Kristen Edwards)**

On May 27, 2015, Wind Quarry Operations, LLC, filed with the South Dakota Public Utilities Commission (Commission) an Application for a Wind Energy Facility Permit (Application) to construct the Willow Creek Wind Energy Facility (Project), a 103-megawatt (MW) nameplate capacity wind energy facility located on approximately 40,000 acres of privately-owned land in Butte County, South Dakota (Project Area), approximately 10 miles northeast of Newell, South Dakota. The proposed Project includes approximately 45 wind turbines, associated access roads, a new collector substation, an operations and maintenance (O&M) facility, and associated transmission interconnection facilities. The Project would interconnect to the U.S. Department of Energy (DOE)

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Western Area Power Administration (Western) Maurine to Rapid City 115-kilovolt (kV) transmission line, which extends through the Project Area. The Project would generate utility scale electric power for residential, commercial, and industrial consumers. Per state law, the Commission has six months from the date of application to render a decision on this application.

TODAY, shall the Commission assess a filing fee not to exceed \$305,000 with an initial deposit of \$8,000? AND, shall the Commission authorize the Executive Director to enter into necessary consulting contracts?

Hydrocarbon Pipeline

1. HP14-001 In the Matter of the Petition of TransCanada Keystone Pipeline, LP for Order Accepting Certification of Permit Issued in Docket HP09-001 to Construct the Keystone XL Pipeline (Staff Analysts: Brian Rounds, Darren Kearney; Staff Attorney: Kristen Edwards)

On September 15, 2014, the Commission received a filing from TransCanada Keystone Pipeline, LP (Keystone) seeking an order accepting certification of the permit issued in HP09-001. The Commission issued an Amended Final Decision and Order granting a permit to Keystone on June 29, 2010. Because it has been at least four years since the permit was issued, Keystone now seeks an order accepting certification, per SDCL 49-41B-27. An intervention deadline of October 15, 2014, was set. The Commission granted intervention to several parties. On May 26, 2015, the Commission received the following motions:

1. Yankton Sioux Tribe's and Indigenous Environmental Network's Motion to Preclude Improper Relief or, in the Alternative, to Amend Findings of Fact (Motion to Preclude or Amend)
2. Keystone's Motion to Exclude Testimony of Richard Kuprewicz (Motion to Exclude);
3. Keystone's Motion to Preclude Consideration of Aboriginal Title or Usufructuary Rights (Motion to Preclude Consideration); and
4. Keystone's Motion to Preclude Testimony Regarding Mni Wiconi Pipeline Easements (Motion to Preclude Easement Testimony).

TODAY, shall the Commission grant any Motion to Join in any of the aforementioned motions? AND, shall the Commission grant the Motion to Preclude or Amend? AND, shall the Commission grant the Motion to Exclude? AND, shall the Commission grant the Motion to Preclude Consideration? AND, shall the Commission grant the Motion to Preclude Easement Testimony?

Natural Gas

1. NG15-003 In the Matter of the Filing by MidAmerican Energy Company for Approval of Its 2014 Economic Development Activities and 2015 Proposed Budget (Staff Analyst: Darren Kearney; Staff Attorney: Karen Cremer)

On April 16, 2015, MidAmerican Energy Company (MidAmerican) filed its 2014 Economic Development Activities and 2015 Proposed Budget for Commission approval. The filing included MidAmerican's report on 2014 economic development activities, actual expenses for 2014, and the planned budget for 2015. On May 12, 2015, MidAmerican responded to Staff's data requests.

TODAY, shall the Commission approve MidAmerican's 2014 Economic Development Activities and 2015 Proposed Budget?

Telecommunications

1. TC15-007 In the Matter of the Filing by Clarity Telecom, LLC dba Vast Broadband for Approval of its Access Service Tariff No. 1 (Staff Analyst: Joseph Rezac; Staff Attorney: Karen Cremer)

On May 8, 2015, the Commission received a filing from Clarity Telecom, LLC d/b/a Vast Broadband for approval of its South Dakota Access Tariff No. 1. The filing updates the Knology Community

Telephone, Inc. tariff currently on file by changing the name to Clarity Telecom, LLC in order to reflect the completed sale from Kite Parent Corporation and its Subsidiaries to Clarity Telecom, LLC which was finalized on September 30, 2014. (See TC14-073). Clarity requests an effective date of October 1, 2014.

TODAY, shall the Commission approve Clarity Telecom, LLC's South Dakota Access Tariff No. 1?

2. TC15-008 In the Matter of the Filing by Clarity Telecom, LLC dba Vast Broadband, Rapid City, South Dakota, for Approval of its Access Service Tariff No. 2 (Staff Analyst: Joseph Rezac; Staff Attorney: Karen Cremer)

On May 8, 2015, the Commission received a filing from Clarity Telecom, LLC d/b/a Vast Broadband for approval of its South Dakota Tariff No. 2. The filing updates the Knology of the Black Hills, LLC tariff currently on file by changing the name to Clarity Telecom, LLC in order to reflect the completed sale from Kite Parent Corporation and its Subsidiaries to Clarity Telecom, LLC which was finalized on September 30, 2014. (See TC14-073). Clarity requests an effective date of October 1, 2014.

TODAY, shall the Commission approve Clarity Telecom, LLC's South Dakota Tariff No. 2?

3. TC15-009 In the Matter of the Filing by Clarity Telecom, LLC dba Vast Broadband for Approval of its Access Service Tariff No. 3 (Staff Analyst: Joseph Rezac; Staff Attorney: Karen Cremer)

On May 8, 2015, the Commission received a filing from Clarity Telecom, LLC d/b/a Vast Broadband for approval of its South Dakota Access Tariff No. 3. The filing updates the Knology of the Plains, Inc. tariff currently on file by changing the name to Clarity Telecom, LLC in order to reflect the completed sale from Kite Parent Corporation and its Subsidiaries to Clarity Telecom, LLC which was finalized on September 30, 2014. (See TC14-073). Clarity requests an effective date of October 1, 2014.

TODAY, shall the Commission approve Clarity Telecom, LLC's South Dakota Access Tariff No. 3?

Items for Commission Discussion

Announcements

1. Commissioners and Staff will attend the 2015 Mid-America Regulatory Conference Annual Meeting, June 7-10, 2015, at the Pfister Hotel, Milwaukee, Wis.
2. An ad hoc commission meeting is scheduled for Monday, June 15, 2015, at 9:00 a.m. CDT in Room 413 at the State Capitol, Pierre, S.D.
3. Commissioners and staff will meet with representatives of Montana-Dakota Utilities Co. on Monday, June 15, 2015, at 1:30 p.m. CDT in Room 413 at the State Capitol, Pierre, S.D. The agenda is to discuss a company informational update.
4. An ad hoc commission meeting is scheduled for Tuesday, June 16, 2015, at 9:30 a.m. CDT in Room 413 at the State Capitol, Pierre, S.D.
5. The next regularly scheduled commission meeting will be Tuesday, June 23, 2015, at 9:30 a.m. CDT in Room 413 at the State Capitol, Pierre, S.D.
6. Commission meetings are scheduled for July 7 and 21, 2015.

/s/Cindy Kemnitz
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June 4, 2015