

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE APPLICATION OF)	ORDER FOR AND NOTICE
BLACK HILLS POWER, INC. FOR A PERMIT TO)	OF HEARING
CONSTRUCT A 230 KV TRANSMISSION LINE)	
FROM NORTHEASTERN WYOMING TO THE)	EL14-061
RAPID CITY AREA IN SOUTH DAKOTA)	

On June 30, 2014, Black Hills Power, Inc. (BHP), a South Dakota corporation, filed with the South Dakota Public Utilities Commission (Commission) an Application of Black Hills Power, Inc. for a 230-kV Transmission Line and Associated Substation Modification Facility Permit (Application). The Application requests Commission approval of a permit to construct the South Dakota portion of an approximately 144-mile long 230-kilovolt (kV) transmission line to connect the Teckla Substation in Campbell County, Wyoming to the Osage Substation in Weston County, Wyoming and the Lange Substation in Pennington County, South Dakota near Rapid City. The South Dakota portion of the project (Project) consists of approximately 45.4 miles of 230-kV transmission line from the South Dakota/Wyoming border in Pennington County to the Lange Substation near Rapid City and modifications to the Lange Substation to accommodate the new transmission facility.

On July 2, 2014, a Notice of Application; Order for and Notice of Public Hearing; Notice of Opportunity to Apply for Party Status was served by mail on the Pennington County Commission and the Rapid City Council and Mayor and electronically on the Pennington County Auditor. On July 3, 2014, the Commission electronically transmitted notice of the Application and the intervention deadline of August 29, 2014, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On August 4, 2014, Ruby B. Matejck filed an Application for Party Status. On August 10, 2014, the Commission issued an Order Assessing Filing Fee. On August 25, 2014, the Commission held a public input hearing in Rapid City, SD. At the hearing, Victoria Leonard submitted an Application for Party Status which was filed on August 26, 2014. On August 26, 2014, GCC Dacotah, Inc., Michael Lewis, and Stephen Vadney filed Applications for Party Status. On August 27, 2014, Dave Riemenschneider filed an Application for Party Status. On August 28, 2014, Barbara Anderson Lewis filed an Application for Party Status, and on August 29, 2014, Robert Varilek/AW LLC filed an Application for Party Status. On September 4, 2014, the Commission issued an Order Granting Party Status and Intervention to Ruby B. Matejck, Victoria Leonard, GCC Dacotah, Inc., Michael Lewis, Stephen Vadney, Dave Riemenschneider, Barbara Anderson Lewis, and Robert Varilek/AW LLC.

On September 5, 2014, Barton Banks filed an Application for Party Status, and on September 8, 2014, James S. Hodgens filed an Application for Party Status. On September 18, 2014, the Commission issued an Order Granting Party Status and Intervention to Barton Banks and James S. Hodgens. On September 22, 2014, BHP filed its responses to the Commission staff's (Staff) first set of data requests. On September 30, 2014, BHP filed a response to comments submitted to the Commission by Victoria Leonard. On October 2, 2014, James Hodgens filed comments and a question in response to BHP's response to the comments of Victoria Leonard and a request for information from BHP. On October 3, 2014, BHP filed a Supplemental Response to Staff's Data Request 1-5 and additional Supplemental Responses to Staff's Data Requests 1-5, 1-6, 1-8, 1-13, and 1-17.

The Commission will hold a formal evidentiary hearing on the Application on November 6, 2014, in Room 414 of the State Capitol Building in Pierre beginning at 9:00 a.m. CST. The parties shall arrive at the hearing room 30 minutes prior to commencement, i.e. 8:30 a.m., for the marking of exhibits.

The issues at the hearing will be as set forth in SDCL 49-41B-22 as follows:

1. Whether the proposed transmission Project will comply with all applicable laws and rules;
2. Whether the Project will pose a threat of serious injury to the environment or to the social and economic condition of inhabitants or expected inhabitants in the siting area;
3. Whether the Project will substantially impair the health, safety or welfare of the inhabitants; and
4. Whether the Project will unduly interfere with the orderly development of the region with due consideration having been given to the views of governing bodies of affected local units of government.

Based upon these factors, the Commission will decide whether the permit should be granted, denied, or granted upon such terms, conditions or modifications of the construction, operation or maintenance as the Commission finds appropriate, including the appropriate bond amount under SDCL 49-41B-38.

The hearing will be a formal adversarial evidentiary hearing conforming to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights may be forfeited if not exercised at the hearing. If a party or their representative fails to appear at the time and place set for the hearing, the Final Decision will be based on the testimony and other evidence, if any, provided during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. All persons testifying will be sworn and subject to cross examination by other parties, Staff, and the Commission. After the hearing, the Commission will consider the testimony and other evidence presented at the hearing. The Commission may then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission will determine whether a permit for the Project should be granted, denied, or granted upon such terms, conditions, or modifications of the construction, operation, or maintenance of the Project as the Commission deems appropriate. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law.

It is therefore

ORDERED, that the Commission will hold a formal evidentiary hearing on the Application on November 6, 2014, in Room 414 of the State Capitol Building in Pierre beginning at 9:00 a.m. CST. The parties shall arrive at the hearing room 30 minutes prior to commencement, i.e. 8:30 a.m., for the marking of exhibits.

Pursuant to the Americans with Disabilities Act, these hearings will be held in physically accessible locations. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 7th day of October, 2014.

<p align="center">CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.</p> <p>By: <u>Joy Lashley</u></p> <p>Date: <u>10-7-14</u></p> <p align="center">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner