

EXHIBIT

[6]

49-41B-22. Applicant's burden of proof. The applicant has the burden of proof to establish that:

- (1) The proposed facility will comply with all applicable laws and rules;
 - (2) The facility will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area;
 - (3) The facility will not substantially impair the health, safety or welfare of the inhabitants;
- and
- (4) The facility will not unduly interfere with the orderly development of the region with due consideration having been given the views of governing bodies of affected local units of government.

Source: SL 1977, ch 390, § 17; SL 1981, ch 340, § 3; SL 1991, ch 386, § 6.

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20:10:22:01. Definitions. Terms defined in SDCL 49-41B-2 have the same meaning in this chapter. Other terms in this chapter mean:

(1) "Affected area," that area which may be affected environmentally, socially, aesthetically, or economically by the location of a facility at a proposed site;

(2) "Applicant," a person or persons who apply for a permit to construct a facility in the state of South Dakota under SDCL 49-41B. For projects with more than one participant, the person or persons designated by and acting on behalf of the participants;

(3) "Application," an application for a permit submitted to the commission pursuant to SDCL 49-41B;

(4) "Plant site," the site of and that area immediately adjacent to a proposed energy conversion facility and to those associated facilities to be constructed in conjunction with the proposed energy conversion facility;

(5) "Transmission site," that affected area on either side of and adjacent to a proposed transmission facility or associated facility.

Source: 5 SDR 1, effective July 25, 1978; 7 SDR 41, effective November 3, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-41B-35.

Law Implemented: SDCL 49-41B-11.

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20:10:22:13. Environmental information. The applicant shall provide a description of the existing environment at the time of the submission of the application, estimates of changes in the existing environment which are anticipated to result from construction and operation of the proposed facility, and identification of irreversible changes which are anticipated to remain beyond the operating lifetime of the facility. The environmental effects shall be calculated to reveal and assess demonstrated or suspected hazards to the health and welfare of human, plant and animal communities which may be cumulative or synergistic consequences of siting the proposed facility in combination with any operating energy conversion facilities, existing or under construction. The applicant shall provide a list of other major industrial facilities under regulation which may have an adverse effect on the environment as a result of their construction or operation in the transmission site, wind energy site, or siting area.

Source: 5 SDR 1, effective July 25, 1978; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 32 SDR 109, effective December 26, 2005.

General Authority: SDCL 49-41B-35(2).

Law Implemented: SDCL 49-41B-11(11), 49-41B-21, 49-41B-22(2).

State of Minnesota)
) SS.SS.
County of Hennepin)

Affidavit

Stephen M. West, being first duly sworn, states that he is an employee of Bachman Legal Printing, 510 Marquette Building, 222 On the Skyway, 510 Marquette Avenue, Minneapolis, MN 55402. That on **April 26, 2007**, he prepared **Appellants' Brief**, case number **24485**, and served same upon the following attorney(s) or responsible person by enclosing 2 copies of same in a properly addressed envelope for shipment via **U.S. Mail-Express Mail express delivery, postage prepaid.**

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South Dakota Public Utilities
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Subscribed and sworn to before me on
April 26, 2007

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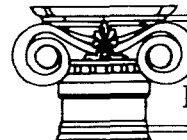
**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Notary Public





Signed _____



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