

EL 99-010

STATE OF SOUTH DAKOTA
PUBLIC UTILITIES COMMISSION
PETITION FOR DECLARATORY RULING

MAY 26 1999

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Pursuant to the provisions of SDCL 1-26-15, I, Vernon Walker, of 136 2nd Avenue East, Flandreau, South Dakota, am Mayor of the City of Flandreau, and do hereby petition the South Dakota Public Utilities Commission for its declaratory ruling in regard to the following:

(1) The state statute in question is: SDCL 49-41B-2.1

49-41B-2.1. Transmission facility defined. For the purposes of this chapter, a transmission facility is:

- (1) An electric transmission line and associated facilities with a design of two hundred fifty kilovolts or more;
- (2) An electric transmission line and associated facilities with a design of one hundred fifteen to two hundred fifty kilovolts, if more than one mile in length of the transmission line does not follow section lines, property lines, roads, highways or railroads, or is not reconstruction or modification of existing transmission lines and existing associated facilities located on abandoned railroad rights-of-way; or
- (3) A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas, liquid hydrocarbons, or liquid hydrocarbon products, excluding any gas or liquid transmission lines or associated facilities which meet any of the following criteria:
 - (a) Lines or facilities that are used exclusively for distribution or gathering;
 - (b) Steel pipe and associated facilities operated at a hoop stress of less than twenty percent of specified minimum yield strength as defined by 49 CFR 192.3 as of January 1, 1994, or plastic pipe and associated facilities which operate at less than fifty percent of the design pressure as determined by the formula specified in 49 CFR 192.121 as of January 1, 1994; or
 - (c) Pipe which has nominal diameter under four inches and not more than one mile of the entire line is constructed outside of public right-of-way.

(2) The facts and circumstances which give rise to the issue to be answered by the Commission:

Flandreau Municipal Utilities, City of Flandreau, South Dakota (FMU), is proposing to construct a new 115 KV electric transmission line source from the existing Western Area Power Administration substation located west of Flandreau, South Dakota. FMU plans to deliver electrical energy to its customers using this new transmission line and new FMU substation. The new line will be approximately 1.8 miles in length sourcing a new substation to be built in the City of Flandreau. Single pole structures will be used for the transmission line and the entire line will be installed within the existing SD highway 32 and street Right-of-way (See attached Figure 1 and Figure 2), with possible exceptions at corner structures where private easements may be obtained for the placement of guying equipment. The project also includes the construction of a new 115 KV to 12.5 KV low-profile electric power substation on the west side of Flandreau, on existing City-owned property within the City limits. Construction of these facilities is planned for the spring and summer of 2000.

(3) The precise issue to be answered by the commission's declaratory ruling is:

Define whether or not the above proposed project falls within the SDCL 49-41B-2.1 definition of a Transmission line and associated facility, thereby requiring a SDPUC permit.

Dated at Flandreau, SD, this 25th day of May, 19 99.
(City and State)

Signed, Vernon Walker
Vernon Walker
Honorable Mayor of the City of Flandreau



Consulting Engineers and Land Surveyors

Fax

FAX TO: SDPUC
ATTN: Michelle Faris
FAX NO: 605-773-3890 3809
FROM: Curt Dieren, PE cdieren@dgrnet.com
DATE: June 15, 1999
RE: Propose Flandreau 115 kV Line
Petition for Declaratory Ruling
DGR NO: 416603
OF PAGES: 3 (including this page).

EL 99-010

You are receiving a facsimile from DeWild Grant Reckert and Associates Company. If you did not receive the number of pages indicated above in good condition, please call us at 712-472-2531 so that we can retransmit these pages. Information contained in this facsimile may be privileged, confidential and intended only for the use of the individual or entity to whom it is addressed.

COMMENTS:

Per your request of Don Johnston at the City of Flandreau, following are two additional drawings (Figures 3 and 4) to accompany the Petition for Declaratory Ruling on the Flandreau, SD proposed 115 kV electric utility line. These figures indicate the proposed approximate location of poles in the City street ROW and also indicate what a typical single pole structure elevation view would look like.

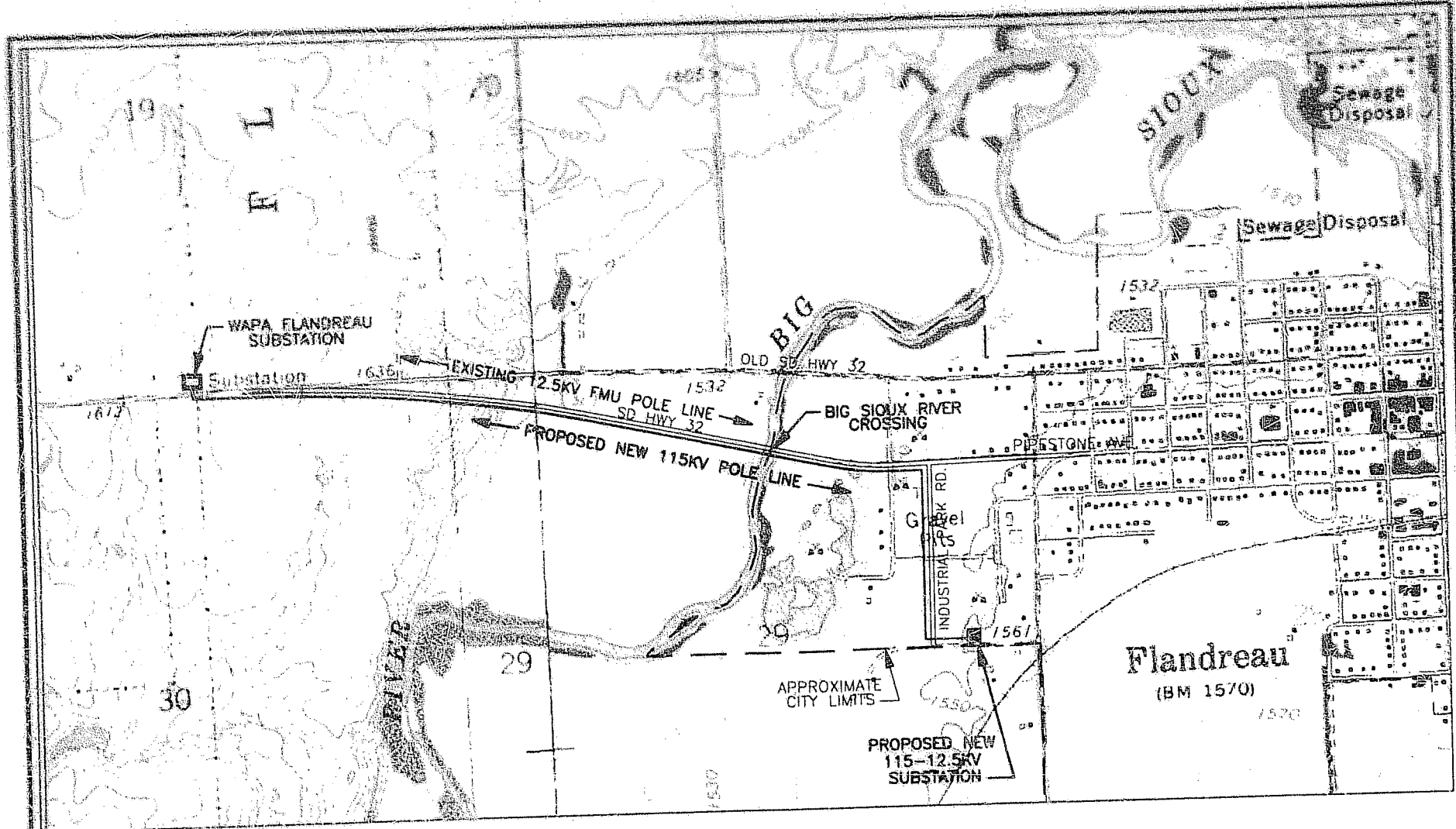
Hopefully these two additional drawings fulfill your needs at this time in processing the Flandreau Petition for Declaratory Ruling. Please feel free to contact me or Don Johnston at the City of Flandreau with any additional questions you may have in this matter.

DEWILD GRANT RECKERT
AND ASSOCIATES COMPANY

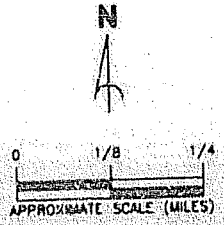
Curt D. Dieren, PE
Project Manager

CDR:dd

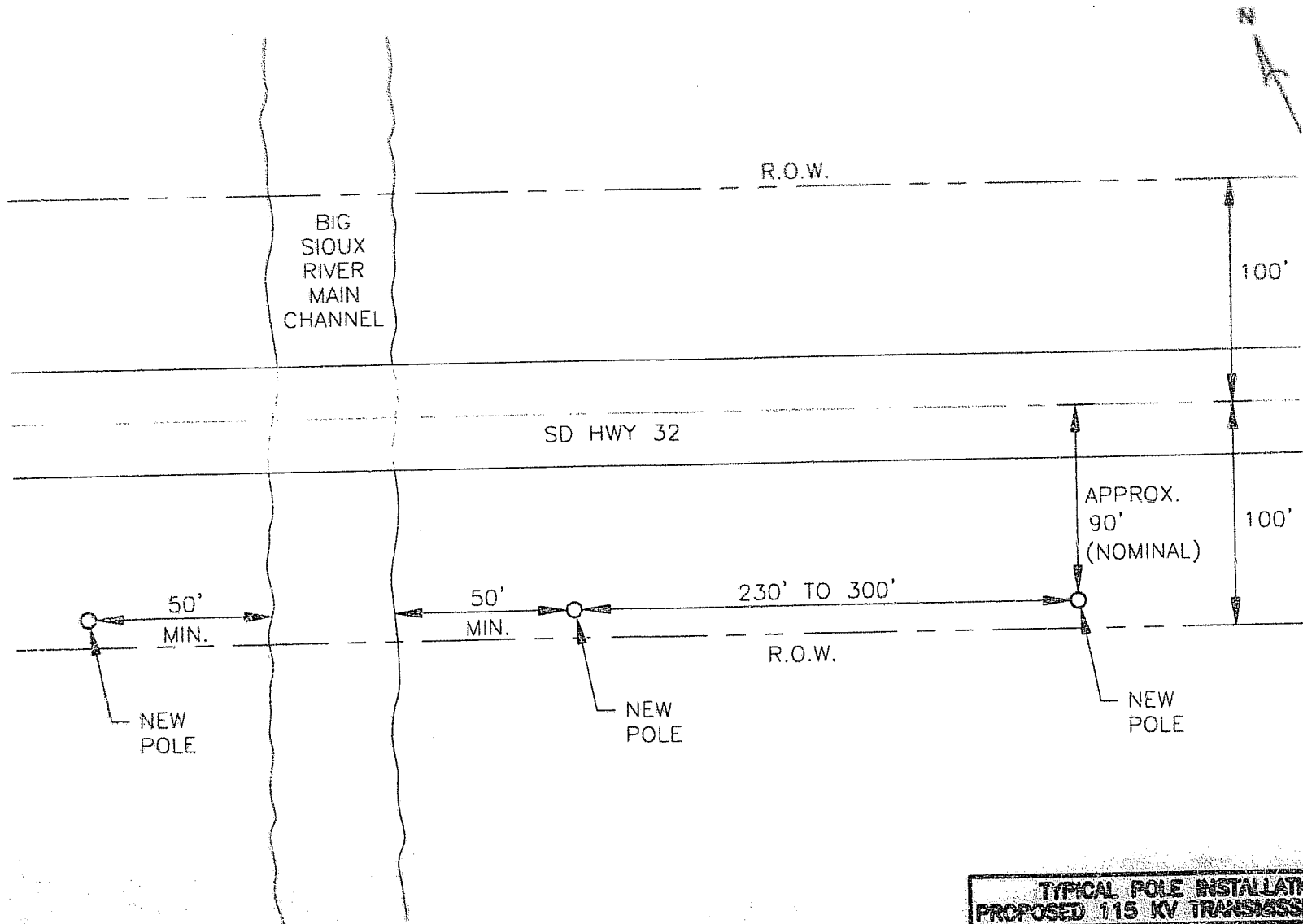
DeWild Grant Reckert and Associates Company
315 First Avenue • Rock Rapids • Iowa • 51246
(712)472-2531 • fax (712)472-2710 • e-mail dgr@dgrnet.com



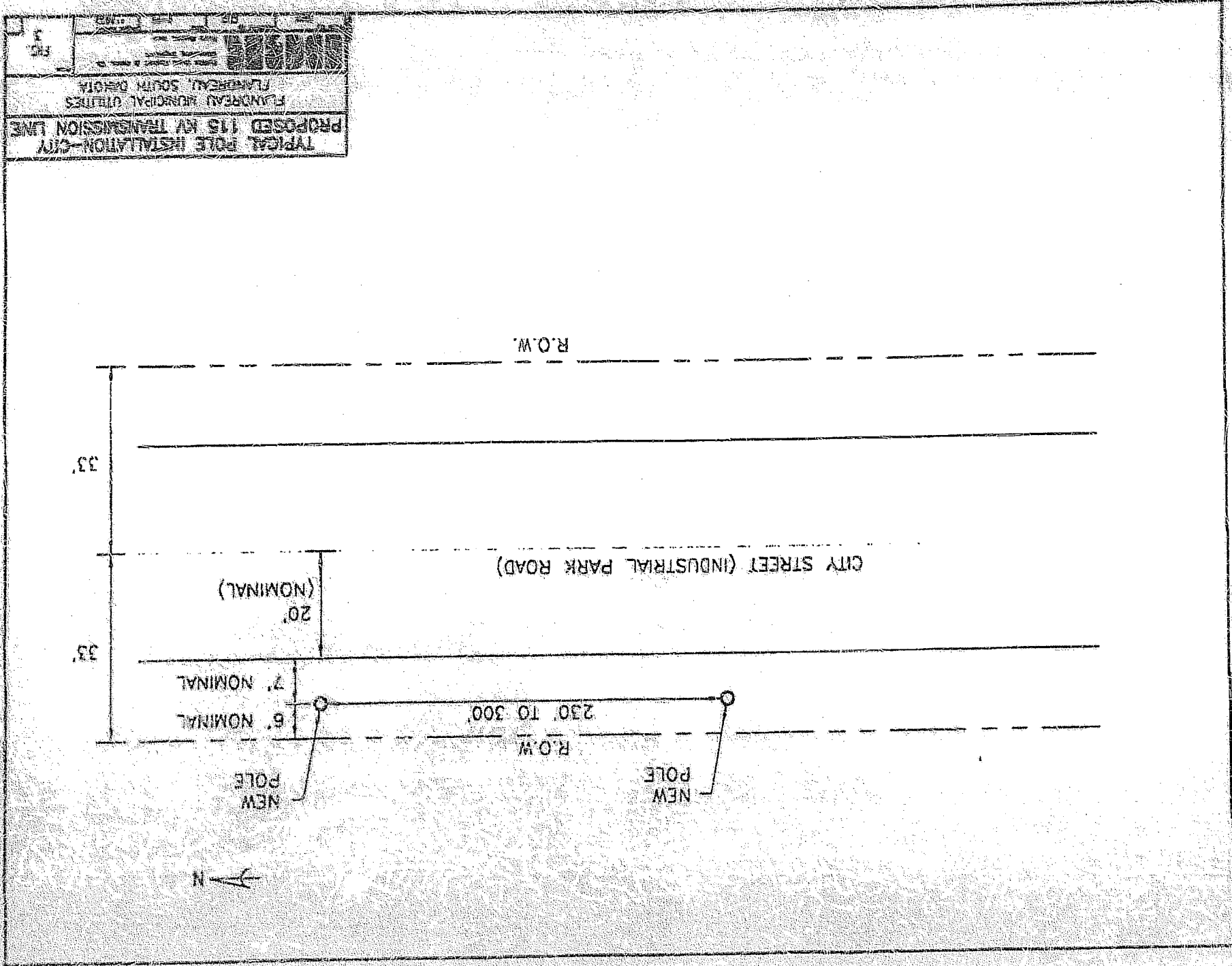
SOURCE: USGS QUADRANGLE TOPOGRAPHIC MAPS
 FLANDREAU, SD
 FLANDREAU, SD SW.



PROPOSED PROJECT LOCATION	
115 KV TRANSMISSION & SUBSTATION	
FLANDREAU MUNICIPAL UTILITIES FLANDREAU, SOUTH DAKOTA	
 David Grant Resnik & Assoc. Co. Consulting Engineers 616 West 10th Street Sioux Falls, S.D. 57105	FIG 1
<small>DATE</small> 12-98	<small>PROJECT NO.</small> 418505



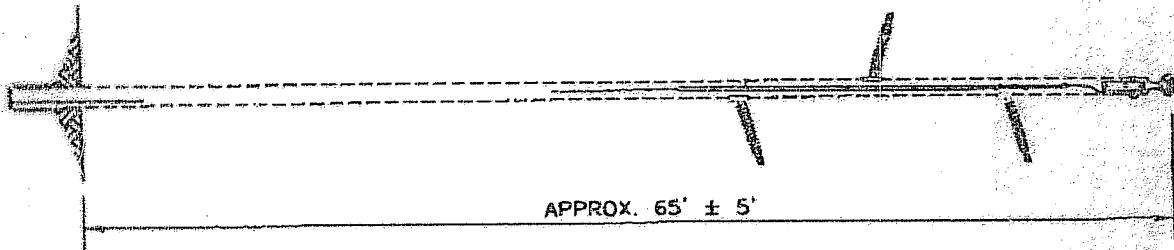
TYPICAL POLE INSTALLATION PROPOSED 115 KV TRANSMISSION LINE	
FLANDREAU MUNICIPAL UTILITIES FLANDREAU, SOUTH DAKOTA	
David Grant Rockert & Assoc. Co. Consulting Engineers P.O. Box 1000 Flandreau, S.D. 57005	FIG. 2
SHEET NO. 500 17-29 412403	



3
FIG.

TYPICAL POLE INSTALLATION - CITY
PROPOSED 115 KV TRANSMISSION LINE

FLANDERS MUNICIPAL UTILITIES
FLANDERS SOUTH DIVISION



	TYPICAL TANGENT STRUCTURE
	PROPOSED 115 KV TRANSMISSION LINE
FLORIDA DEPARTMENT OF TRANSPORTATION TALLAHASSEE, FLORIDA 32310	
DATE: 11/15/99	
DRAWN BY: [Name]	
CHECKED BY: [Name]	
SCALE: AS SHOWN	
FIG. 1	

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of May 13, 1999 through May 26, 1999

There were no filings during the period of May 13, 1999 through May 19, 1999

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact
Delaine Kolbo within five business days of this filing.

Phone: 605-773-3705 Fax: 605-773-3809

ELECTRIC

EL99-008 In the Matter of the Filing by the City of Watertown, South Dakota, for Approval to Modify Assigned Service Area between Codington Clark Electric Cooperative and the City of Watertown, South Dakota.

As a result of a recent annexation to the City of Watertown, the Commission received a filing from the City of Watertown, South Dakota for approval to modify the assigned service area between Codington Clark Electric Cooperative and the City of Watertown. The service territory boundary change includes Lot 2 and 28th Avenue South, within the South 2,000 feet of the East ½ of Section 7 of the plat entitled "Benedictine Sisters Subdivision to the Municipality of Watertown in Section 7, T116N, R52W, of the 5th P.M. Codington County, South Dakota.

Staff Analyst: Michele Farris
Staff Attorney: Camron Hoseck
Date Filed: 05/21/99
Intervention Deadline: 06/11/99

EL99-009 In the Matter of the Filing by Northern States Power Company for Approval of its 1998 Economic Development Report and 1999 Economic Development Plan.

On May 24, 1999, the Commission received a filing from Northern States Power Company in accordance with South Dakota Public Utilities Commission docket EL91-004: (1) a report of its 1998 economic development and (2) a proposed economic development investment budget for 1999.

Staff Analyst: Michele Farris
Staff Attorney: Camron Hoseck
Date Filed: 05/24/99
Intervention Deadline: 06/11/99

EL99-010 In the Matter of the Petition for Declaratory Ruling by the Mayor of the City of Flandreau on Whether a Proposed Transmission Line Meets the Definition of SDCL 49-41B-2.1.

The City of Flandreau is proposing to construct a transmission line from the existing Western Area Power Administration substation located west of Flandreau and a new substation. They are seeking a declaratory ruling from the Commission as to whether or not the proposed project falls within the SDCL 49-41B-2.1 definition of a transmission line and associated facility, thereby requiring a SDPUC permit.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer
Date Filed: 05/26/99
Intervention deadline: 06/11/99

GAS AND ELECTRIC

GE99-003 In the Matter of the Filing by MidAmerican Energy Company for Approval of Revised Residential and Commercial Informational Pamphlets.

MidAmerican Energy Company is filing for Commission approval of revised residential and commercial informational pamphlets.

Staff Analyst: Keith Senger
Staff Attorney: Jeff Koerselman
Date Filed: 05/21/99
Intervention Deadline: n/a

TELECOMMUNICATIONS

TC99-056 In the Matter of the Application of Black Hills FiberCom, L.L.C. for Approval to Offer a Different Local Calling Area.

Black Hills FiberCom, L.L.C. submitted an application to provide a different local calling area than that which is provided by U S West.

Staff Analyst: Keith Senger
Staff Attorney: Karen Cremer
Date Filed: 05/21/99
Intervention Deadline: 06/11/99

TC99-057 In the Matter of the Filing by U S WEST Communications, Inc. for Approval of Agreement for Local Wireline Network Interconnection and Service Resale between McLeodUSA Communications Services, Inc. and U S WEST Communications, Inc.

U S WEST Communications, Inc. and McLeodUSA Communications Services, Inc. filed a negotiated Agreement For Local Wireline Network Interconnection And Service Resale on May 26, 1999. "The Agreement ... sets forth the terms, conditions and prices under which the parties agree to interconnect and pay reciprocal compensation for the exchange of local traffic.... However a dispute remains between the parties regarding Reciprocal Compensation provisions. It is U S WEST's position that those provisions apply only to local traffic U S WEST requests that the Commission resolve this issue in dispute." Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than June 17, 1999. Parties to the agreement may file written responses to the comments within twenty days of service of the comments.

Staff Analyst: Harlan Best
Staff Attorney: Camron Hoseck
Date Filed: 05/26/99
Comments Due: 06/17/99

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

IN THE MATTER OF THE PETITION FOR) DECLARATORY RULING
DECLARATORY RULING BY THE MAYOR OF)
THE CITY OF FLANDREAU ON WHETHER A) EL99-010
PROPOSED TRANSMISSION LINE MEETS)
THE DEFINITION OF SDCL 49-41B-2.1)

On May 26, 1999, the South Dakota Public Utilities Commission (Commission) received a Petition for Declaratory Ruling from the City of Flandreau, South Dakota (City). According to the Petition, the City is proposing to construct a new 115 kV electric transmission line source from the existing Western Area Power Administration substation located west of the City. The City plans to deliver electrical energy to its customers using this new transmission line and new substation. The new line will be approximately 1.8 miles in length sourcing a new substation to be built in the City. Single pole structures will be used for the transmission line and the entire line will be installed within the existing SD Highway 32 and street right-of-way with possible exceptions at corner structures where private easements may be obtained for the placement of guying equipment. The project also includes the construction of a new 115 kV to 12.5 kV low-profile electric power substation on the west side of the City, on existing City-owned property within City limits. The City asked that a determination be made as to whether or not the proposed project falls within the SDCL 49-41B-2.1 definition of a transmission line and associated facility, thereby requiring a SDPUC permit.

On June 22, 1999, at its regularly scheduled meeting, the Commission considered the matter. The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-41B, specifically, 49-41B-2.1(2) which states that a 115 kV transmission line is subject to the Commission's siting jurisdiction "if more than one mile in length of the transmission line does not follow section lines, property lines, roads, highways or railroads, or is not reconstruction or modification of existing transmission lines and existing associated facilities located on abandoned railroad rights-of-way. . . ." The Commission finds that the proposed project does not meet the definition of a transmission line and associated facility and therefore is not subject to the Commission's siting jurisdiction. It is therefore

ORDERED that the City's proposed 115 kV transmission line is exempt from the Commission's siting jurisdiction because the entire line will be installed within the existing right-of-way on SD Highway 32 and Industrial Park Road with the exception of the guying equipment for the corner pole from the Industrial Park Road to the substation which is less than one mile in length.

Dated at Pierre, South Dakota, this 25th day of June, 1999.

CERTIFICATE OF SERVICE
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, by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u>Alaine Kallio</u>
Date: <u>6/25/99</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner