



EL 03-033

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December 18, 2003

Ms. Pam Bonrud, Executive Director
South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

RECEIVED
DEC 19 2003
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RE: Certification that the conditions leading to South Dakota Energy Conversion Facility Siting Permit No. EL91-001 for the Angus C. Anson Generating Plant will continue to be met.

Dear Ms. Bonrud:

Enclosed for filing please find an original and ten copies of Xcel Energy's certification that the conditions leading to South Dakota Energy Conversion Facility Siting Permit No. EL91-001 for the Angus C. Anson Generating Plant will continue to be met.

If anyone has any questions, please call me at 339-8350

Sincerely,

A handwritten signature in cursive script that reads 'J Wilcox'.

Jim Wilcox

c. Kent Larson
Judy Pofert

EL 03-033

RECEIVED

DEC 19 2003

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

**Xcel Energy Certification
that the Conditions Leading to
South Dakota Energy Conversion Facility
Siting Permit No. EL91-001
for the Angus Anson Generating Plant
Will Continue to be Met**

DECEMBER 2003

**Certification that the Conditions Leading to
South Dakota Energy Conversion Facility
Siting Permit No. EL91-001
for the Angus Anson Generating Plant
Will Continue to be Met**

Northern States Power (NSP) Company d/b/a Xcel Energy

Executive Summary

Northern States Power Company d/b/a Xcel Energy (Xcel Energy) plans to construct a third simple cycle combustion turbine generator at the Angus C. Anson Site near Sioux Falls under the authorization contained in the South Dakota Public Utility Commission's Facility Permit Order (EL91-001) issued May 20, 1993. The unit will be a General Electric Model 7FA, with a nominal capacity of 160 MW. Construction is scheduled to begin in the summer of 2004 and the unit is planned to begin service in the summer of 2005.

South Dakota Statutes (SDCL 49-41B-27) provides that if such construction, expansion and improvement of a site authorized in a facility permit commences more than four years after a permit has been issued, the utility must certify to the Public Utilities Commission that such facility continues to meet the conditions upon which the permit was issued. Units 1 and 2 were constructed under the 1993 Permit Order in 1993 and 1994. However it has been more than four years since the permit was issued. Therefore Xcel Energy hereby certifies that the conditions upon which the Commission granted the Facility Permit for up to 4 combustion turbines will continue to be met with the installation of the third combustion turbine generator at the site. This filing discusses subject areas upon which the permit was based and demonstrates no significant change will occur. In many respects, impacts of the new unit will be less than originally estimated. The air emissions from the new unit will be less than the combustion turbine generator originally proposed because of improvements in design, and water supply and discharge impacts will also be less.

In the Facility Permit Order there are several references to the anticipated technology to be installed at Anson, Westinghouse model W501D5 combustion turbine generators. With the passage of time new more efficient units are available and Xcel Energy intends to install a General Electric Model 7FA unit. To the extent necessary, Xcel Energy requests that the facility permit be amended to reflect the new technology selection.

List of Attachments

1. 2002 aerial image of the Angus Anson facility site, showing proposed location of new combustion turbine generator and new 115 kV transmission connection, together with wetlands, historic and archeological sites, and locations of endangered and threatened species (including the bald eagle).
2. "Order Granting Permit (EL91-001) In the Matter of the Application of Northern States Power Company for an Energy Facility Permit for the Pathfinder Power Plant Site Near Sioux Falls, South Dakota."
3. October 28, 2003 letter from the South Dakota Department of Game, Fish and Parks regarding endangered and threatened species.
4. November 3, 2003 letter and November 4, 2003 email from the South Dakota State Historical Society regarding historic preservation and archeological sites.
5. November 14, 2003 letter from the US Department of Interior, Fish and Wildlife Service, regarding bald eagle nesting in the area.

Project Description

The new combustion turbine generator, a General Electric Model 7FA, with a nominal capacity of 160 MW, will be constructed at the Angus Anson site which is approximately $\frac{3}{4}$ of a mile northeast of Sioux Falls, South Dakota and 2.8 miles west of Brandon, South Dakota. The unit will use natural gas from the existing pipeline as fuel. The efficiency of the new unit is expected to be typical of modern simple-cycle combustion turbines, approximately 36 percent. A new 115 kV transmission line approximately 1000 feet long will connect the new unit to the Split Rock Substation on the plant site.

The Angus C. Anson site remains unchanged since the installation of the first two combustion turbine generators in the early 90's. Attachment 1 is an aerial photo of the site, taken in 2000. Xcel Energy has retired the Pathfinder plant, leaving only the building intact.

The new combustion turbine generator will generate power for peaking capacity, as described in the original permit.

Xcel Energy forecasts a need for peaking capacity to meet the peak demand for electrical power from its customers in the Upper Midwest region. Without additional peaking duty units on the system there is potential for demand to exceed production capacity by nearly 500 megawatts in 2005.

Although need for power, particularly peaking power, slowed in the 1990's due to the ability to purchase power, the availability of excess power has diminished and costs have increased. Overall demand also continues to increase. In addition, limitations and constraints on the transmission system, along with the evolution of the administration of the transmission system, have created uncertainty in our ability to make shorter-term power purchases that we have traditionally relied upon to help meet peak electrical demand and reserve obligations.

Actual costs to construct the first two CTGs in 1994, and install the natural gas pipeline were \$78.4 million, \$75.3 million for the CTGs and \$3.1 million for the pipeline. Xcel Energy estimates the new combustion turbine will cost \$64 million

Construction began on the first two CTGs and the pipeline in May, 1993, and the units went on-line in September, 1994. The existing and new CTG can be operated remotely from NSP (d/b/a Xcel Energy) control center in Minneapolis, Minnesota. Construction of the new combustion turbine generator is scheduled to begin, following the Commissions' approval, in the spring, 2004, and placed in-service in March, 2005.

Xcel Energy will own, manage and operate the new combustion turbine generator, as it does the existing equipment at the Angus Anson site. Existing personnel at the Angus C. Anson Site will handle any additional operational duties that are created by the 3 CTGs.

Xcel Energy continues to believe the Anson site would be an excellent location for a fourth unit at some time in the future.

Impact Assessment

As part of the permitting process the Commission prepared an Environmental Impact Statement in which the potential environmental effects of the installation of up to four combustion turbine generators was examined. The Commission determined that with the conditions included in the Facility Permit the potential for significant adverse environmental effects was minimized. See Attachment 2 for a copy of the 1993 Facility Order Granting Permit. The installation of the new combustion turbine generator is consistent with the findings of the EIS and in some respects will further reduce impacts compared to the original analysis.

Land Use

No changes in land use or local land use controls are required for this project, and no changes are anticipated as a result of this project. The proposed project will not impact any existing agricultural operations. No impact on the demand for housing is anticipated.

Hydrology

Xcel Energy will continue to withdraw water from the Split Rock Creek Aquifer through existing wells on the Anson site. Water used by Xcel Energy will not adversely affect the available ground water supplies in the area. The new combustion turbine generator will require water for evaporative cooling and for NO_x control (if fuel oil is burned). However, the new turbine will use less water than the existing turbines for these functions.

Terrestrial Ecosystems

Xcel Energy expects little, if any, impact on terrestrial ecosystems. The new unit will be placed immediately adjacent to the existing units at the site and therefore construction impacts will be confined to the area previously disturbed. No new pipeline construction is needed to provide fuel. Transmission construction will be adjacent to existing transmission and therefore in a previously disturbed part of the plant property.

The South Dakota Game, Fish and Parks Department was contacted and asked to review their databases to determine if any rare plant or animal species or other significant natural features are known to occur within the Project Site. The response from the Department of Game, Fish and Parks (GFP) (Attachment 3) indicated three records of state or federal threatened and endangered species documented within one mile of the project site. These species are the bald eagle (federal threatened), Topeka shiners (federal endangered), and the lined snake (state endangered) which is known to occur in the nearby Cactus Hills area.

The GFP response indicated the Topeka shiners and the lined snake do not appear to be affected by the Project. The Topeka shiners are found in Slipup Creek away from the upland site, and the lined snake may occur on the site, but there is probably minimal habitat for it, as the site is already developed.

The bald eagle nest indicated by GFP is approximately 800 feet to the north-east of the Angus Anson Facility and was occupied during 2001 and 2002 (see Attachment 1). The latest information the Department of Game, Fish and Parks has is that this nest was abandoned and the pair is building a new nest about 0.5 miles east of the old nest. The GFP stated that it is impossible to determine what the status of the old nest will be during 2004 construction. It may remain abandoned or some other raptor, including another bald eagle pair, may occupy it.

The Fish and Wildlife Service was contacted for recommendations for projects near bald eagle nests (see Attachment 5) and recommended a management plan based on the distance between the project and the bald eagle nest. Xcel Energy will confirm that the eagle nest is not occupied during spring 2004, the time of proposed work. If the nest is occupied, Xcel Energy plans to avoid construction during critical periods, or in some other manner minimize disturbance.

Aquatic Ecosystems

Xcel Energy expects no impact on aquatic ecosystems as the result of installation of the new unit at the Anson Site and plans to adhere to the terms and conditions in Appendix One of the Facility Permit during construction.

No pipeline construction will take place and thus no impacts to wetlands due to pipeline construction (the principal environmental concern originally) will occur. The Project Area was reviewed for wetlands that could potentially be impacted by new construction. There are no National Wetland Inventory (NWI) sites within the area of proposed work. There are some NWI sites just to the north of the Angus Anson Facility (see Figure 1). Also, none of the soils at the Angus Anson facility are

hydric soils, which is another indicator of wetland conditions. Thus, no impacts on wetlands are expected.

Wastewater

Xcel Energy will treat wastewater from the new combustion turbine generator on-site in the same manner as water treatment for the existing two CTGs, and as the result, there will be little, if any, impact on water quality.

The new combustion turbine generator will generate a small volume of wastewater – primarily reject demineralizer water. Demineralized water will be used for evaporative cooling and NO_x control during oil firing. Xcel Energy intends to construct either holding or evaporative storage on-site for the increased wastewater from the new combustion turbine generator, so that there will be no additional discharge either to the groundwater or to the Big Sioux River.

Air Quality

The operation of the new unit will produce air pollutants. Based on modeling analysis, air pollutants from the three units at the site will be below thresholds for PSD review and will continue to meet National Ambient Air Quality Standards.

The new combustion turbine generator will employ dry, low NO_x technology, instead of water injection used in the existing units to reduce NO_x emissions. This technology, not commercially available in the early 1990's, will result in lower NO_x emissions and thus air quality impacts at the site will be less than originally estimated. The new combustion turbine generator will not have a significant impact on ambient air quality.

Noise

Construction and operation of the new combustion turbine generator will generate some noise, but there will be minimal impact on surrounding properties, in part because of the large buffer zone which NPS (d/b/a Xcel Energy) owns around the Anson site.

Solid Waste

Solid waste, associated with operation and maintenance of the new combustion turbine generator, will be similar to that already generated by the operation of the two existing CTGs and will be managed in the same manner, in compliance with state and federal requirements.

Employment

Construction of the new combustion turbine generator will provide jobs during construction.

The existing and new CTG can be operated remotely from Xcel Energy control center in Minneapolis, Minnesota. Existing personnel at the Angus C. Anson Site will handle any additional operational duties that are created by the 3 CTGs. It is anticipated that a similar workforce will be needed to construct the new combustion turbine generator as to construct the first two.

Construction of the new combustion turbine generator is scheduled to begin, following the Commissions' approval with an in-service date of March, 2005. No additional pipeline work is required.

Property Taxes

The proposed unit will have a positive impact on South Dakota tax collections.

The amount of property taxes paid for the first two CTGs is \$816,000 per year. The pipeline generates an additional \$32,000 per year in property taxes.

A sales tax rebate was obtained for the installation of the first two CTGs. Property taxes for the year 2003 are estimated to be \$750,000. For the new unit, property taxes are estimated to be \$690,000, and sales taxes, based on current mil rates and existing tax law, are estimated to be \$1,260,000.

Cultural Resources

No impacts on cultural sources, archeological or historical architecture are anticipated, as found by the Commission in the 1993 order. Xcel Energy contacted the South Dakota State Historic Preservation Office (SHPO) and the Archaeological Research Center to update information which may have changed in the intervening years (see Attachment 4).

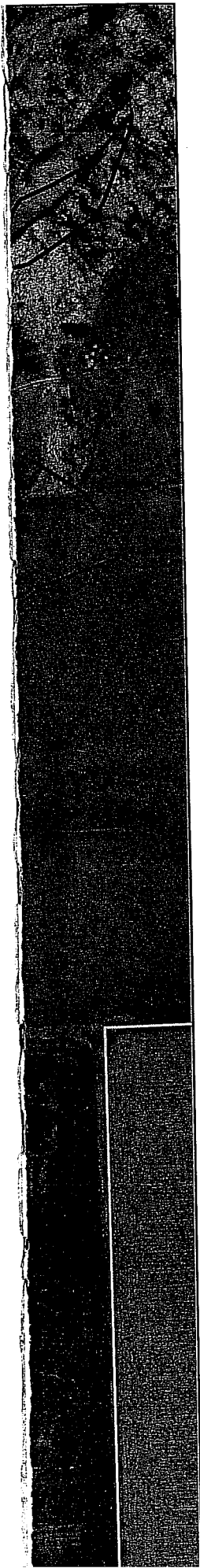
Conclusion










Xcel Energy certifies that the conditions upon which the Commission granted the Facility Permit for up to four combustion turbines will continue to be met with the installation of the third combustion turbine generator, a General Electric Model 7FA , 160 megawatt unit, at the site. Our impact assessment demonstrates that no significant environmental effects will result and in some respects air and water quality impacts will be reduced compared to the original permit conditions.

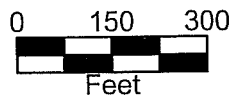
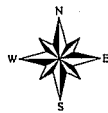
The original permit authorizing the construction of four units at the Anson site (Order EL91-001) is attached (see Attachment 2). To the extent necessary Xcel Energy requests the addition of a finding that our certification is adequate. We also request that order point 2 on page 12 be amended to allow the use of the 160 MW, General Electric Model 7FA combustion turbine generator instead of the 105 MW, Westinghouse combustion turbine as the 3rd unit at the site.

Attachment 1





- AAF Property Line
-  Archaeological and Historical Sites
-  Approximate Eagle Nest
- Transmission Lines
- National Wetland Inventory
- Type 1 - temporary
-  Type 2 - wet meadow
-  Type 3 - shallow marsh
-  Type 4 - deep marsh
-  Type 5 - open water
-  Type 6 - shrub scrub
-  Type 7 - forested
-  Type 8 - bog



2002 AERIAL IMAGE
Angus Anson Facility
Minnehaha County,
South Dakota

Attachment 2

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION)	
OF NORTHERN STATES POWER COMPANY)	ORDER GRANTING
FOR AN ENERGY FACILITY PERMIT FOR)	<u>PERMIT</u>
THE PATHFINDER POWER PLANT SITE)	
NEAR SIOUX FALLS, SOUTH DAKOTA.)	(EL91-001)

On January 8, 1991, the Public Utilities Commission (Commission) received a Notice of Intent to apply for a permit for construction of an energy conversion facility (ECF) from Northern States Power Company (NSP). In its notice, NSP indicated that it intended to submit an application on July 8, 1991, for an ECF permit for up to four 100-megawatt (MW) simple cycle combustion turbine electric generators (CTGs) at the Pathfinder Power Plant (Pathfinder) site. The Pathfinder site is located in Minnehaha County, northeast of the City of Sioux Falls and west of the City of Brandon. NSP also stated that a natural gas pipeline would be constructed to supply natural gas to the proposed ECF along a route not established at the time the notice was filed.

Under SDCL 49-41B-6, the Commission is required to designate the "affected area" relative to this filing and also to designate a local review committee (LRC) within thirty days after the filing of the Notice of Intent. According to SDCL 49-41B-2 (8), the term "siting area" is defined as "that area within ten miles in any direction of a proposed energy conversion facility or which is determined by the commission to be affected by a proposed energy conversion facility." In ARSD 20:10:22:01 (1), "affected area" is defined as "that area which may be affected environmentally, socially, aesthetically, or economically by the location of a facility at a proposed site."

Pursuant to SDCL 49-41B-6, the Commission must designate a LRC which is composed of the following:

- (1) The chairman of the tribal council of each affected reservation;
- (2) The president of the board of education of each affected school district;
- (3) The chairman of the county commissioners of each affected county;
- (4) The mayor of each affected municipality; and
- (5) A representative of the applicant utility designated by the utilities.

At its January 29, 1991, meeting, the Commission discussed the designation of the "affected area" and the composition of the LRC. By an Amended Order dated February 13, 1991, the Commission determined that the "affected area" shall consist of a five-mile radius of the site of the proposed ECF, along with that area in Minnehaha and Lincoln Counties where the proposed gas pipeline would be routed. Also, in accordance with SDCL 49-41B-6, the Commission designated the LRC to include the following individuals:

Tom Dempster, Chair, Minnehaha County Board of Commissioners;

Earl Helgeson, Chair, Lincoln County Board of Commissioners;

Jack White, Mayor, City of Sioux Falls;

Dennis Kleinvachter, Mayor, City of Brandon;

John Sorenson, President, Sioux Falls School District Board;

Bryan Bailey, President, Brandon Valley School District Board; and

Angus Anson, Northern States Power Company.

Under SDCL 49-41B-12, the Commission determines whether an environmental impact statement (EIS) should be prepared, pursuant to SDCL Chapter 34A-9 (the South Dakota Environmental Policy Act), before taking action on an application as the one in this docket. At its March 26, 1991, Commission meeting, the Commission considered whether it should commission the preparation of an EIS in this proceeding. By an Order dated March 29, 1991, the Commission found that a consultant, who would serve as an independent consultant in preparing the EIS, would be hired to prepare an EIS. Vernon R. Schaefer was later hired by the Commission as the prime contractor to prepare the EIS with assistance from several subcontractors.

At its April 19, 1991, meeting, the Commission considered adding Rick Fink, President of the Harrisburg School District to the LRC. NSP had determined by then that the natural gas pipeline would be a part of the proposed project and would traverse Lincoln County affecting the Harrisburg School District. By an Order dated April 29, 1991, the Commission made Mr. Fink a member of the LRC.

On September 25, 1991, the Commission received NSP's application to construct an ECF that would consist of up to four 105 MW simple cycle CTGS. NSP stated that the ECF would be located at the Pathfinder site northeast of Sioux Falls, South Dakota and that the application was consistent with NSP's previous Notice of Intent, except that Minnegasco may construct and own the natural gas pipeline. NSP estimated the cost of the facility at \$145,000,000.

Under SDCL 49-41B-12, an applicant must deposit a filing fee with the Commission, the amount to be determined by the Commission

pursuant to a statutory formula. At the October 10, 1991, Commission meeting, the Commission discussed the amount of the filing fee. The Commission was informed by Martin Bettmann, Staff engineer, that the maximum fee that may be assessed by the Commission pursuant to SDCL 49-41B-12 was \$545,000.

Also, at its October 10, 1991, meeting, the Commission discussed authorizing a proposed contract for administrative assistance for the LRC. Under SDCL 49-41B-8, "[t]he local review committee may employ such persons as determined by the public utilities commission which may be required to carry out the provisions of 49-41B-7" A contract was proposed by the LRC with the Sioux Falls Development Foundation (SFDF) in which the SFDF would assist the LRC with carrying out its duties. The total amount of the contract would not exceed \$14,000. At its October 3, 1991, meeting, the LRC unanimously endorsed the proposed contract. The Commission approved the contract with the SFDF and assessed an initial filing fee by an Order dated October 18, 1991. The Commission approved a maximum assessment of \$545,000. NSP has been paying the filing fee to the Commission in increments as directed by the Executive Director.

On October 3, 1991, the Commission received a Petition for Declaratory Ruling (Docket No. NG91-010) from Minnegasco. In the petition, Minnegasco explained that it was planning to construct a main extension to supply the gas supply needs for Sioux Falls residents, as well as NSP's proposed ECF. Minnegasco sought a determination from the Commission as to whether its proposed main extension would be subject to Commission siting jurisdiction. At its October 22, 1991, meeting, the Commission ruled that its siting jurisdiction was limited to that portion of the gas pipeline which would extend from the main line to the ECF and would exclusively serve the ECF. This portion of the line is approximately one mile in length and would be located solely in Minnehaha County. The effect of this ruling was that the "affected area" of NSP's application would no longer include Lincoln County or the Harrisburg School District.

By Order dated October 25, 1991, the Commission altered the "affected area" by excluding the area where NSP had originally proposed to construct its own gas pipeline. Pursuant to SDCL 49-41B-2 (8) and ARSD 20:10:22:01 (2), the "affected area" was then limited to a five mile radius of the ECF at the Pathfinder site. This area included the portion of the proposed Minnegasco pipeline which would extend from the main line to the ECF. Given the alteration of the "affected area," the Commission then changed the composition of the LRC. Consistent with SDCL 49-41B-6, LRC members Rick Fink, Harrisburg School Board President, and Earl Helgeson, Lincoln County Commission Chairman, were removed from the LRC. In addition, the Commission ordered NSP to amend its application to include the construction of that portion of the gas pipeline which would exclusively serve the ECF. The Commission required NSP to submit an amendment to the application by November 21, 1991.

Also, by the October 25, 1991, Order, the Commission scheduled a public input hearing, as required by SDCL 49-41B-15 and 49-41B-16, and set a procedural schedule for the submission of applications for party status. The purpose of the public input hearing was to receive public comments regarding NSP's application. The Commission set the public input hearing for November 21, 1991, at 7:00 p.m., in the County Commission Meeting Room at the Minnehaha County Courthouse. Consistent with SDCL 49-41B-15 (4), the Commission published notice of the hearing in newspapers in the county. The Commission gave notice that any interested person may appear before the Commission to present comments or testimony regarding NSP's application. Applications for party status were required to be filed with the Commission on or before November 25, 1991. No applications for party status were filed with the Commission. The Minnehaha County Auditor was designated as the agent for the service of process upon all other parties to this proceeding. A copy of the application was filed with the Minnehaha County Auditor as required by SDCL 49-41B-15.

At the October 10, 1991, Commission meeting, Staff had informed the Commission that the maximum filing fee that could be assessed to NSP was \$545,000. On October 18, 1991, the Commission ordered that the filing fee would be paid by NSP in increments with the total amount assessed not to exceed \$545,000. At its December 31, 1991, meeting, the Commission was informed by Staff that a mistake had been made in the computation of the maximum amount of the filing fee. The correct amount was \$522,500. By an Order dated January 7, 1991, the Commission amended the maximum filing fee to \$522,500.

On April 7, 1992, the Commission received NSP's addendum to its earlier application. The addendum amended and supplemented NSP's original application to include an associated natural gas pipeline to connect NSP's proposed ECF at the Pathfinder site to the Northern Natural Gas (NNG) pipeline near Harrisburg, South Dakota. If approved, the construction of the pipeline was scheduled to start in July of 1993, and be completed by November of 1993. The estimated cost of the proposed pipeline is \$4,000,000.

On April 21, 1992, at its regularly scheduled meeting, the Commission considered NSP's addendum to its application. Because of NSP's amended application the "affected area" was expanded to include the proposed pipeline route. In addition, members were added to the LRC to reflect the fact that the proposed pipeline would now run through Lincoln County. The amended application also changed the dates for the submission of the EIS and the report of the LRC. Finally, additional public input hearings would have to be held with a further opportunity for parties to intervene in the docket. By an Order dated May 5, 1992, the Commission: amended the "affected area" to include the area where NSP proposed to construct the pipeline; changed the composition of the LRC to include former LRC members Rick Fink, Harrisburg School Board President, and Earl Helgeson, Lincoln County Commission Chairman; scheduled further public input hearings; set a new procedural schedule for the submission of applications for party

status; changed the due dates for the draft EIS to on or before October 7, 1992, with the final EIS due on or before January 7, 1993; and set the LRC report due date for on or before November 7, 1992.

By the May 5th Order, the Commission set two additional public input hearings for Tuesday, May 26, 1992, at 12:00 p.m., at the Harrisburg American Legion in Harrisburg, South Dakota and the second hearing for Tuesday, May 26, 1992, at 7:00 p.m., at the Brandon Valley Middle School Gym, in Brandon, South Dakota. Last, the Commission set an application for party status deadline for on or before June 8, 1992, and, in addition to the Minnehaha County Auditor, established the Lincoln County Auditor as a designated agent for the service of process upon all parties to this proceeding. A copy of the entire application was filed with the Minnehaha and Lincoln County Auditors as required by SDCL 49-41B-15 (5).

On October 1, 1992, the Commission received a letter from Dr. Schaefer requesting an extension of time for submission of the draft EIS from the current deadline of October 7, 1992, to a new submission date of November 6, 1992. Dr. Schaefer stated that the January 7, 1992, date for the final EIS would not change. On October 13, 1992, at a regularly scheduled meeting, the Commission considered Dr. Schaefer's request for an extension. The Commission also noted that the membership of the LRC had changed due to recent elections. Sandy Elofson replaced Bryan Bailey as president of the Brandon Valley School Board. Darrell Jepson replaced Earl Helgeson as chairman of the Lincoln County Commission. Also, Robert Kolbe replaced Tom Dempster as chairman of the Minnehaha County Commission. By an Order dated October 29, 1992, the Commission reset the due date for the draft EIS from October 7, 1992, to November 6, 1992, and made Sandy Elofson, Darrell Jepson and Robert Kolbe members of the LRC replacing Bryan Bailey, Earl Helgeson and Tom Dempster, respectively.

On November 6, 1992, the Commission received the LRC's Social & Economic Impact Study, prepared pursuant to SDCL 49-41B-10, which assessed the potential social and economic effects of NSP's application.

On November 18, 1992, the Commission received the draft EIS. Pursuant to SDCL 34A-9-8, the Commission published notice that it would accept comments on the draft EIS for 30 days. The Commission advised persons interested in presenting their views regarding the draft EIS that they should appear in person at the hearing or send their comments to the Commission on or before December 18, 1992. Pursuant to an Order dated November 24, 1992, a public input hearing was held on December 2, 1992, at 7:00 p.m., at the Minnehaha County Courthouse in the County Commission Meeting Room, Sioux Falls, South Dakota. On January 13, 1993, the Commission received the final EIS.

By an Order dated December 23, 1992, a procedural schedule was set in this proceeding as follows:

Commission Staff shall file prefiled testimony on or before February 1, 1993;

NSP may file rebuttal prefiled testimony on or before February 16, 1993;

The hearing shall be held on March 9, 1993, in Sioux Falls, South Dakota, at 9:00 a.m. at a place to be set by the Order For and Notice of Hearing.

On January 29, 1993, Commission Staff filed prefiled testimony and proposed general terms and conditions for the granting of a permit.

The hearing on NSP's application was held at 10:00 a.m. (CST) on March 9, 1993, in the Public Meeting Room of the Sioux Falls Public Library, Main Branch, 201 North Main, Sioux Falls, South Dakota, as set by the Order For and Notice of Hearing date on February 19, 1993. All persons who appeared at the hearing testified in support of NSP's application.

The Commission considered the approval of NSP's application at its March 23, 1993, Commission meeting. Commission Staff recommended that the Commission approve NSP's application subject to the stipulated terms and conditions agreed to between NSP and Commission Staff.

Based on the evidence of record in this matter, the Commission enters the following:

FINDINGS OF FACT

1. On January 8, 1991, NSP filed a Notice of Intent with the Commission pursuant to SDCL 49-41B-35 and ARSD 20:10:22:02 to construct up to four 100 MW simple cycle CTGs and associated facilities at the Pathfinder site which is approximately $\frac{3}{4}$ of a mile northeast of Sioux Falls, South Dakota and 2.8 miles west of Brandon, South Dakota. In addition, NSP indicated that a natural gas pipeline may be constructed to supply natural gas to the ECF. A route for the pipeline was not established at the time the Notice of Intent was filed with the Commission. NSP indicated in its Notice of Intent that it would file a construction application with the Commission on July 8, 1991, to construct an ECF at the Pathfinder site.

2. On September 25, 1991, NSP filed its Application for a Construction Permit for an Energy Conversion Facility in Minnehaha County, South Dakota. NSP's stated its proposed ECF will consist of up to four 105 MW simple cycle CTGs and associated facilities. NSP indicated that its application was consistent with its prior Notice of Intent except in one respect. At the time of the application NSP was negotiating with Minnegasco to have Minnegasco own and operate the pipeline and provide natural gas to the Pathfinder site. However, in January 1992, NSP informed the Commission that negotiations between NSP and Minnegasco were not successful. NSP submitted an addendum to its Environmental Impact Report with the Commission on March 27, 1992, which included the

natural gas pipeline that would connect NSP's ECF to NNG's interstate natural gas pipeline near Harrisburg, South Dakota.

3. Based on NSP's projected forecasts and resource needs, NSP has concluded that its resource needs in the 1990's will be primarily peaking capacity. NSP's proposed ECF will generate electrical energy for NSP's electrical system during periods of peak electrical demand. In the early 1990's, any electrical demand in excess of available resource is being met by NSP through short-term power purchases from other utilities. However, by the mid 1990's the demand for electricity could exceed NSP's available resources by as much as 200 MW in 1994 and by as much as 700 MW by 1997. NSP has initiated several conservation and load management programs in recent years. NSP has established a goal of reducing the demand for electricity on its system by at least 1000 MW by 1995. As of January 7, 1991, NSP had achieved 450 MW of that goal.

4. NSP has estimated its capital cost of the ECF based on the number of CTGs installed at the site. Presently, NSP plans to begin construction in May of 1993 and install two CTGs in 1994 with an estimated cost of \$78 million in 1994 dollars. The other two units will be installed as needed and have an estimated cost of \$67 million in 1994 dollars. In 1994 dollars, NSP estimates that all four units will cost \$145 million. NSP estimates that the natural gas pipeline will cost \$4 million in 1994 dollars, excluding easement acquisition right-of-way costs.

5. NSP has an agreement with Westinghouse Electric Corporation to purchase up to five CTGs each capable of generating approximately 105 MW. Each turbine will be a Westinghouse model W501D5. The CTGs will primarily burn natural gas of pipeline quality. Backup fuel will be No. 2 distillate fuel oil, which will be used during times when natural gas is unavailable. A one-week supply of fuel oil will be stored on site in existing fuel oil storage tanks.

6. Subject to the receipt of all necessary permits, construction of the ECF at the Pathfinder site is scheduled to begin during May of 1993. The pipeline construction is scheduled to begin in March 1994 and will be completed by July 1994. NSP's ECF is presently scheduled for a January 1, 1995, in-service date. NSP estimates that it will take a peak construction force of 60 people to construct the first two CTGs in about 12 months at a labor cost of \$2,250,000. Approximately 100 employees will be required to construct the pipeline. Approximately 50% of the construction workers will come from the metro Sioux Falls work force. NSP's ECF will not require any additional personnel after construction. The CTGs will be operated remotely from NSP's control center in Minneapolis, Minnesota. Existing personnel at the Pathfinder will handle any additional operational duties that are created by the new ECF.

7. In order to establish a preferred site, NSP prepared a site screening study. NSP considered 21 locations throughout a four state area including South Dakota, North Dakota, Minnesota and Wisconsin. Based on several factors, the Pathfinder site was one among three of the preferred sites chosen by NSP at the time of the filing of the Notice of Intent. The Pathfinder site was later selected by NSP as the preferred site.

8. The Pathfinder site is located on property already owned by NSP in the southwest quarter of Section 30, Township 102 north, Range 48 west in Minnehaha County, South Dakota. The site location is presented in NSP Exhibit (Ex.) 2, Figure 3 and 4. The Pathfinder site is bordered by Interstate 90 to the north. The southern boundary is located approximately 3,400 feet south of Brandon Road. The Big Sioux River flows west to east across the site, forming the western boundary at the southwestern corner of the property and runs through the property in the northern portion of the site. The existing Pathfinder is located south of the Big Sioux River. There are three substations in the vicinity of NSP's proposed ECF site. NSP's Lawrence Substation is located in the southwestern corner of the Pathfinder site, NSP's Split Rock Substation is located southeast of the proposed ECF site and the U.S. Bureau of Reclamation's Substation is located southwest of the proposed ECF site. Two railroad lines are located within NSP's property boundary, one operated by Burlington Northern and the other operated by Ellis and Eastern. Existing facilities at the Pathfinder site include a 60 MW natural gas-fired generating plant, two two million gallon fuel oil storage tanks, a cooling tower, four settling basins, a river intake structure, two water supply wells, a substation and associated electric transmission facilities and miscellaneous support equipment. The existing plant will continue to operate after the construction of NSP's new ECF.

9. NSP owns approximately 1020 acres of land surrounding the Pathfinder site. Approximately 60 acres of the site are used by the Pathfinder facilities and other electrical equipment such as substations and transmission lines. Approximately 550 acres are cultivated and roughly 410 acres are unused grassland and riparian vegetation. The land surrounding NSP's Pathfinder site is generally used for agricultural purposes. NSP states it has no knowledge of cemeteries, places of historical significance, or other public facilities on or immediately adjacent to the Pathfinder site. NSP's land and the Pathfinder site are zoned for industrial use. Other adjacent lands are predominantly zoned agricultural with isolated rural residential subdivisions. No homes or persons will be displaced by the construction or operation of NSP's proposed ECF. There is a large buffer zone between the Pathfinder site and nearby neighbors which will minimize potential noise concerns. There will be some visual impact. The ECF will not have a significant effect on nearby residents or the agricultural uses of neighboring lands.

10. In addition to the CTG facilities, NSP proposes to construct a natural gas pipeline to connect NSP's ECF to the NNG pipeline near Harrisburg, South Dakota. Ex. 6 Figure 1-1 shows

NSP's preferred and alternate routes for the pipeline. A full description of the respective routes is set forth in Ex. 6 at pages two through four. NSP's proposed pipeline route would be approximately 13 miles in length. The proposed route would begin at the NNG 20-inch diameter pipeline just northeast of the town of Harrisburg, approximately 1/3 mile north of County Highway 110. Part of the pipeline would run parallel to an existing Western Area Power Administration (WAPA) electric transmission line corridor for approximately seven miles. It would then run east along the south side of Highway 11 for approximately 1/2 mile. The pipeline would then run north and east along county and township roads to the Pathfinder site. The northern most six mile section of the pipeline will consist of a 12-inch diameter steel pipe and the remaining seven miles will consist of a 16-inch diameter steel pipe. The maximum flow rate of natural gas through the pipeline will be 5.0 million cubic feet (MCF) per hour or 120 MCF per day. The design pressure of the pipeline will be 900 pounds per square inch. The majority of the preferred pipeline route will be located within a 100-foot easement, 55 feet of which will be an existing WAPA electric transmission line easement. Thus, 45 feet of the 100-foot easement will be a new easement which NSP will have to acquire from landowners along the pipeline route. In those portions of the pipeline route not along the WAPA line, NSP will have to acquire a full 100-foot easement. The pipeline will be marked with signs after construction to identify its location and for safety. After construction has been completed, the right-of-way surface will be restored to its original condition. Operational impacts of the pipeline should be minimal.

11. The pipeline will be operated and maintained in accordance with the United States Department of Transportation Federal Safety Standards for Gas Lines, 49 CFR 192, Subpart L-Operations and Subpart M-Maintenance. The pipeline will be monitored periodically to inspect factors affecting safety and operation.

12. The environmental impact of the ECF and pipeline will be mitigated where possible. The ECF site is currently unused land vegetated with brome grass. The overall impact of the construction of an ECF at the Pathfinder site will be reduced by the existence of the current plant, substations and transmission lines.

13. Several federal and state listed endangered or threatened species are believed to occur with the Sioux Falls area. However, the effect of the new ECF on such species should be minimal. Regarding the terrestrial ecosystems in general, the overall carrying capacity of the area should not be impacted by the construction of the ECF on the Pathfinder site.

14. Noise impacts from initial construction and operation of the CTGs will be reduced because of the large buffer zone around the Pathfinder site.

15. The operation of the CTGs will produce air pollutants from fuel combustion. Water injection will reduce nitrogen oxide

(NOx) emissions. Sulfur dioxide will be minimized by the use of natural gas as the primary fuel and using fuel oil only as a backup. Based on modeling analyses, air pollutants from NSP's proposed CTGs are below respective Prevention of Significant Deterioration (PSD) increments and National Ambient Air Quality Standards. Based on NSP's analyses, CTGs at the Pathfinder site should not have a significant impact upon PSD Class I areas, visibility, soil, or vegetation.

16. Groundwater will be withdrawn from the Split Rock Creek Aquifer through existing wells on the Pathfinder site and will be used to control NOx emissions from the CTGs. The water used by NSP should not adversely affect the available ground water supplies in the area.

17. Waste water from the proposed ECF and existing Pathfinder will be discharged to four existing settling basins. The capacity of the basins may be exceeded which will result in the excess being discharged into the Big Sioux River. Further, the excess discharge may exceed the South Dakota Department of Environment and Natural Resources (SDDENR) limit for Total Dissolved Solids. NSP is working with the SDDENR to develop an acceptable permit for the excess discharge from the settling basins. Until such a permit is obtained by NSP, the excess discharge of waste water should not significantly impact aquatic resources in the Big Sioux River.

18. The impact of sales and property taxes paid by NSP for the ECF upon the area surrounding the Pathfinder site are listed in Ex. 2 at page 20. Taxes are dependent upon the number of CTGs installed. NSP estimates that it will pay approximately \$1,680,000 in property taxes for the first two CTGs and estimates the sales tax for one CTG to be \$640,000. The pipeline will generate \$80,000 a year in property taxes.

19. NSP's proposed ECF is not anticipated to have a significant impact on the transportation facilities in the project area. No long-term impacts are anticipated with regard to air or road traffic. There may be temporary increases in road traffic during construction and some of the pipeline construction may interfere with regular road traffic.

20. The South Dakota Historic Preservation office requested that an archeological survey of the ECF site be conducted. The survey was conducted as a part of the Commission's EIS. Based on the Commission's EIS, no significant impact on landmarks or cultural resources is anticipated from the construction of NSP's proposed ECF or the pipeline.

21. The proposed CTGs will be connected to the Split Rock Substation by two new 115 to 13.8 kv main transformers and 2,500 feet of new 115 kv transmission lines and towers. The Split Rock Substation and the new transmission line are within the boundary of the Pathfinder site. The location of the substation and transmission line on the Pathfinder site are shown in Ex. 2, Figure 9.

22. On March 29, 1991, the Commission ordered that an EIS be prepared in this matter. The EIS was prepared to inform the public and other public agencies about proposed actions that may significantly affect the quality of the environment, and to solicit comments from the public which will assist the Commission in determining the environmental consequences of granting a permit to NSP to construct the proposed ECF and pipeline. The commission received a draft EIS from its consultants on November 18, 1992. The Commission provided a 30 day period for the public to file comments on the draft EIS. NSP, the SDDENR and the South Dakota Department of Game Fish and Parks filed comments on the draft EIS. The Commission held a public input hearing on the draft EIS on December 2, 1992, in Sioux Falls. At that hearing comments were received regarding the draft EIS. There was no opposition to the construction of NSP's ECF or pipeline. A final EIS was submitted to the Commission on January 13, 1993.

23. During construction, primary impacts on air quality will be construction related noise and fugitive dust. The primary impacts on air shed quality during operation of the ECF will be an increase in noise levels near the site and emissions of pollutants to the atmosphere resulting from natural gas or distillate oil combustion. A major impact during construction will be the destabilization of surface soils at the plant site and along the pipeline resulting from ground preparation, excavation, and increased susceptibility of the soil to wind and water erosion. Several of the soils along the pipeline route are highly erodible and may be unstable during excavation. There will be little impact upon small wetlands, small intermittent streams and other lesser drainages encountered by the ECF or pipeline construction. The pipeline will disturb some wetlands during installation of the pipeline but they should recover with the proper construction methods. No plants on federal or state threatened or endangered species lists were detected in the immediate "affected area." Therefore, construction of the ECF and pipeline should not affect any threatened or endangered species. There are two isolated cultural resource finds within the "affected area" that do not meet the criteria of significance for National Register eligibility. Cultural resources may be discovered during construction. Construction activities will be monitored to protect any such discoveries. The construction and operation of NSP's pipeline and ECF will have some impact on the environment within the "affected area." However, with the incorporation of pollution control devices and the implementation of plans to mitigate certain impacts, loss of environmental quality will be minimal. Based on the final EIS, and with appropriate mitigation measures as described by Staff's Proposed General Terms and Conditions for the Granting of a Permit in Docket EL91-001, NSP's proposed ECF and pipeline will not significantly impact the environment in the "affected area." Staff's proposed terms and conditions were stipulated to by NSP, are hereby incorporated in this order by reference and are attached as Appendix One.

24. Pursuant to SDCL 49-41B-6 and 49-41B-7, a LRC was appointed by the Commission to assess the potential social and economic effects to be generated by the proposed facility, to determine the "affected areas" capacity to absorb these effects

and to formulate mitigation measures. The LRC held numerous public meetings in Sioux Falls to complete its duties under SDCL Chapter 49-41B. The LRC submitted its Social & Economic Impact Study to the Commission on November 6, 1992. Pursuant to SDCL 49-41B-7, the LRC reviewed impacts in 12 areas including: housing; educational facilities and manpower; waste supply and distribution; waste water treatment & collection; solid waste disposal & collection; law enforcement; transportation; fire protection; health; recreation; government; and energy. The LRC found that the construction of the ECF and pipeline by NSP would not have any significant impacts on any of the 12 factors listed above. Because the construction and operation of the ECF and pipeline will not substantially increase local employment, NSP's proposed facilities will not have significant social or economic impact on any of the 12 factors listed above.

CONCLUSIONS OF LAW

1. The Commission has personal and subject matter jurisdiction in this matter pursuant to SDCL Chapters 49-41B, 49-34A and ARSD Chapter 20:10:22.

2. NSP's proposed ECF and pipeline will comply with all applicable laws and rules; 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; will not substantially impair the health, safety or welfare of the inhabitants; and will not unduly interfere with the orderly development of the region with due consideration having been given the views of the governing bodies of affected local units of governments.

3. The requirements of SDCL Chapter 34A-9 have been met in this proceeding with regard to the EIS. NSP will take all feasible action necessary to minimize or avoid the environmental impacts identified in the EIS.

4. The LRC's Social & Economic Impact Study was properly prepared by the LRC pursuant to SDCL 49-41B-7 and 49-41B-10. The assessments made and mitigation measures suggested by the LRC comply with the requirements of SDCL 49-41B-7 and 49-41B-10.

As the Commission's final order in this proceeding and based on the above Findings of Fact and Conclusions of Law, it is therefore,

ORDERED, that the EIS be approved.

FURTHER ORDERED, that the LRC's Social and Economic Impact Study be approved.

FURTHER ORDERED, that a construction permit is hereby granted to NSP authorizing the construction of up to four 105 MW CTGs and

associated facilities at NSP's Pathfinder Power Plant located northeast of Sioux Falls, South Dakota and also to construct a 13 mile long natural gas pipeline to transport natural gas from NNG's interstate pipeline near Harrisburg, South Dakota to NSP's proposed plant.

FURTHER ORDERED, that when constructing the facilities authorized herein, NSP shall comply with the terms and conditions set forth in Appendix One which is incorporated herein and attached.

Dated at Pierre, South Dakota, this _20th_ day of May 1993.

BY ORDER OF THE COMMISSION:

(Signed by PUC Commissioners:
Laska Schoenfelder, Kenneth Stofferahn and James Burg
on May 20, 1993.)

Attachment 3



DEPARTMENT OF GAME, FISH AND PARKS

Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

October 28, 2003

Helen Dijkstra, PhD
Barr Engineering Company
4700 West 77th St.
Minneapolis, MN 55435-4803

Dear Dr. Dijkstra:

In response to your letter of October 22, 2003 concerning T&E species at the site described, I have the following information. After searching the South Dakota Natural Heritage Database, I found 3 records of state or federal T&E species documented within the one mile buffer of the project site. They are listed on the attached report.

Topeka shiners (federal endangered) have been found in Slipup Creek. Although portions of the stream are within the one mile buffer, it doesn't appear the project is located where it would have any effect on the stream.

The lined snake (state endangered) is known to occur in the nearby Cactus Hills area. It may on occasion occur on the project site but given the highly developed nature of the site I doubt that there is any habitat capable of sustaining this species.

In 2001 and 2002 a bald eagle (federal threatened) nest was active near the project site. The latest information I have is that this nest was abandoned and the pair is building a new nest about .5 mile east of the old nest. The information in the attached report only gives the location of the old nest. It is impossible to determine what the status of the old nest will be next spring. It may remain abandoned or some other raptor may take over. It is possible that other bald eagles will use it. State and federal guidelines call for a .5 mile buffer from an active bald eagle nest to avoid disturbance.

The fee for this report is itemized as follows:

One computer search @ \$30.00 per search	\$30.00
.5 hr. staff time @ \$30.00 per hour	\$15.00
	<u>\$45.00</u>

If you have any questions or need additional information please contact me at your convenience.

Sincerely,

Doug Backlund
Wildlife Biologist

**STATE OR FEDERAL T&E SPECIES DOCUMENTED AT OR WITHIN ONE MILE BUFFER
OF THE BARR ENGINEERING PROJECT SITE**

**SOUTH DAKOTA NATURAL HERITAGE DATABASE
OCTOBER 28, 2003**

NAME	TOWNRANGE AND SECTION	COUNTY	LAST OBSERVED	FEDERAL STATUS	STATE STATUS	STATE RANK	GLOBAL RANK	ECDATA
TOPEKA SHINER NOTROPIS TOPEKA	103N048W 7	Minnehaha	1999-09-16	LE		S2	G3	"MANY TOPEKA SHINERS" AT THIS SITE. ALSO, FOUR COLLECTED DOWNSTREAM AT T102N R49W SEC. 13/14. ACTIVE NEST
BALD EAGLE HALIAEETUS LEUCOCEPHALUS	102N048W 30	Minnehaha	2002-05-10	LT	ST	S1B,S2N	G4	
LINED SNAKE TROPIDOCOLONIA LINEATUM	101N049W 01	Minnehaha	2002-07-28		SE	S1	G5	1964 SPECIMEN FOUND BENEATH ROCK. 2000-ONE LINED SNAKE FOUND UNDER BOARDS ON GREAT BEAR SKI HILL BY DOUG BACKLUND. PHOTOS TAKEN AND RELEASED ON SITE. ONLY LINED SNAKE FOUND IN 6 HOURS OF SEARCHING IN THE CACTUS HILLS AREA. 2002-ADULT KILLED BY LAWN MOWER, SPECIMEN SENT TO SD NHP BY KEITH PERKINS. THIS SPECIMEN TAKEN IN CACTUS HEIGHTS, T101N R49W SEC. 12 W2.

3 Records Processed

Attachment 4

November 3, 2003

Helen T. Dijkstra
Barr Engineering
4700 W. 777th Street
Minneapolis, MN

Dear Dr. Dijkstra:

I have completed your archaeological records search with the following results:

T102N, R48W, Sec. 30, Sioux Falls East Quadrangle, Minnehaha County, SD

Sites: 39MH163
39MH2000 (Burlington Northern Railroad)

Survey: Lueck (1995) Report Archive #AMH-0109

• **One Mile Radius (+ Brandon Quadrangle)**

Sites: 39MH145	39MH162
39MH147	39MH166
39MH148	39MH169
39MH155	39MH210
39MH161	

Surveys: Winham (1985)	Report Archive #AMH-0015
Winham (1990)	Report Archive #AMH-0061
Winham (1997)	Report Archive #AMH-0118
Buechler (1999)	Report Archive #AMH-0129

State Historic Preservation Office guidelines require listing all sites and surveys within a mile of a project area. Researchers/contractors must be aware that lack of sites or surveys at a particular location does not mean the project site may not need a Class III archaeological resources survey by a qualified archaeologist. The SHPO has set an arbitrary date of 1982 as the cut-off for previous surveys to be considered valid and not require a new survey. This arbitrary date does not grandfather in inadequate surveys. The SHPO has also established a policy that a file search is valid for six months prior to the submission of the report. If you have questions please contact the State of South Dakota Historic Preservation Office in Pierre, SD.

Sincerely,

Jane P. Watts
Records Manager
Archaeologist/Paleontologist

Update

3

STATE OF SOUTH DAKOTA

UPDATE

ARCHAEOLOGICAL RESEARCH CENTER

-----GENERAL DATA-----

Site No. 39 MH163 Site Name AAGS County Minnehaha
Other Number S19 (field no.) Condition D NR Status "
Map Reference Sioux Falls East Owner Northern States Power
Arch. Region Lower Big Sioux Topog. Position Valley Terrace
Vegetation Cropland Substrate Silt (Drift?)
UTM Zone 14 / 691390 E / 4830385 N Land Use Cultivated
Ground Surface Visibility 60 % Site Elevation 1325 m/ft
Site Dim. N-S 341 E-W 402 m/ft; Area 33 ha/ac; Depth 0 cm/in
Nearest Water Type Permanent Stream Name Big Sioux River
Distance 48 m/ft Elevation 1285 m/ft Direction N Bank R

-----LOCATIONAL DATA-----

Legal Location			Section	Township	Range
<u>SW</u>	<u>SW</u>		<u>29</u>	<u>102N</u>	<u>48W</u>
<u>NW</u>	<u>SE</u>	<u>SW</u>	<u>29</u>	<u>102N</u>	<u>48W</u>

-----CULTURAL DATA-----

Site Type	Time Period	Cultural Affiliation
<u>Artifact Scatter</u>	<u>(Prehistoric)</u>	<u>(Unknown)</u>

-----ACCESSION DATA-----

Acc. No. - Descr.

-----MISCELLANEOUS DATA-----

Comments Revised the eastern site boundary slightly (see sketch map); field, fences and landform same as the during the original recordation.

Recorded by Timothy V. Gillen, Rick Haugen (Archeology Lab, Augustana) Date May 5, 1997

Project Minnehaha Community Water 1997 User Addition

(Use Continuation Form when necessary)

(See Site Form Reference Guide for allowable data types).

Site No. 39 MH163 Site Name AAGS County MinnehahaTenant Northern States Power Address 500 W. Russell, SF, SDAttitude towards survey Good toward excavation Good

Access to site Go ca. 0.9 mile south of Exit 402 (Eros Exit) of I90 to asphalt. Take asphalt ca. 0.9 mile east. Then drive (with permission) ca. 0.3 miles north up NSP (Angus Anson Generating Site) drive. Then take gravel and track ca. 0.2 mile east and northeast to southwest edge of site (on hilltop).

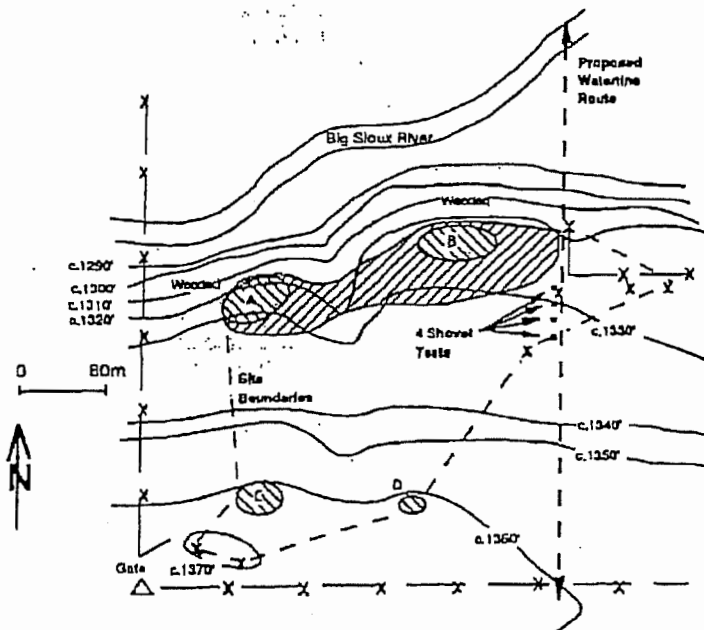
Photo reference(s) B/W Roll 1/1-12; Color Roll 1/10-15

Bibliographic reference(s) An Intensive Cultural Resources Survey and Evaluation for a 1997 User Addition Project to the Minnehaha Community Water System in Minnehaha County, South Dakota. Part II. Archeological Contract Series 124-B, Archeology Laboratory, Augustana College, SF.

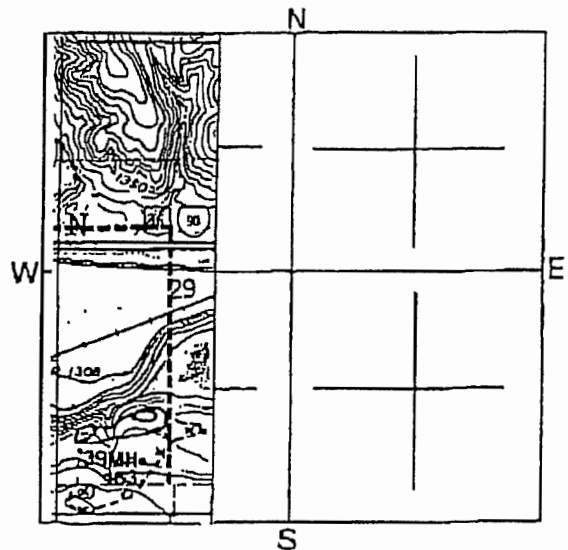
R. Peter Winham and Edward J. Lueck.

What was observed at site Zip.Collection/Evaluation Procedure N/A.

Sketch Map



Section Map



Helen Dijkstra

From: Michelle.Saxman@state.sd.us
Sent: Tuesday, November 04, 2003 10:04 AM
To: Helen Dijkstra
Cc: Jane.Watts@state.sd.us
Subject: RE: Minnehaha Co. dbase review

Helen,

I have completed your architectural records search with the following results:

T102N, R48W, Sec. 30, Sioux Falls East Quadrangle, Minnehaha County, SD

Survey number MH-BR-05 - Railroad Bridge over Big Sioux River
MH-BR-12 - Austin P. Ode Farm
MH-BR-13 - Gullick Risty Farm
MH-BR-06 - Railroad Bridge over Big Sioux River

Attached is a map of the location you requested. There are no properties listed on the National Register of Historic places. There are however a few potentially eligible properties within a short distance of the project area. This record search does not fulfill your Section 106 review under the National Historic Preservation Act of 1966. If you have questions please contact Michelle C. Saxman at 605-773-6296 or michelle.saxman@state.sd.us.

Sincerely,

Michelle C. Saxman
Survey/GIS Coordinator
SD State Historical Society

-----Original Message-----

From: Helen Dijkstra [mailto:hdijkstra@barr.com]
Sent: Monday, November 03, 2003 12:00 PM
To: Michelle.saxman@state.sd.us
Cc: jane.watts@state.sd.us
Subject: Minnehaha Co. dbase review

November 3, 2003

Attachment 5



United States Department of the Interior

FISH AND WILDLIFE SERVICE

420 South Garfield Avenue, Suite 400
Pierre, South Dakota 57501-5408

November 14, 2003

Dr. Helen T. Dijkstra, Ecologist
Barr Engineering
4700 West 77th Street
Minneapolis, Minnesota 55435-4803

Re: Construction at Xcel's Angus Anson
Facility, Minnehaha County, South
Dakota

Dear Ms. Dijkstra:

This letter is in response to your request dated November 10, 2003, for environmental comments regarding the above referenced project involving construction of electric facilities in Minnehaha County, South Dakota. According to your letter, work will be located at a previously graded site and may be within 800 feet of a bald eagle nest. At this time, we cannot predict if the bald eagles will use the nest in 2004 or at any time in the future. Bald eagles and their nests are protected under the Bald and Golden Eagle Act and also under the Endangered Species Act.

I appreciate your efforts to provide management guidelines and monitoring recommendations to Xcel. It would be in its best interest to avoid disturbing any bald eagles present at the site. If Xcel is a recipient of Federal funds or permits related to this construction, the appropriate Federal agency or its designee should consider Endangered Species Act implications.

In accordance with section 7(c) of the Endangered Species Act, as amended, 16 U.S.C. 1531 et seq., we have determined that the following federally listed species may occur in the project area (this list is considered valid for 90 days):

<u>Species</u>	<u>Status</u>	<u>Expected Occurrence</u>
Bald eagle (<u>Haliaeetus leucocephalus</u>)	Threatened	Migration, Winter Resident, Possible Nesting.

Bald eagles occur throughout South Dakota, and new nests are appearing each year. No construction should occur within one-quarter mile of any known active bald eagle nest. The species' nesting season is January to August. Any nests found should be reported to this office.

If the Rural Utilities Service or their designated representative determines that the project "may adversely affect" listed species in South Dakota, it should request formal consultation from this office. If a "may affect - not likely to adversely affect" determination is made for this project, it should be submitted to this office for concurrence. If a "no effect" determination is made, further consultation may not be necessary. However, a copy of the determination should be sent to this office.

If changes are made in the project plans or operating criteria, or if additional information becomes available, the U.S. Fish and Wildlife Service (Service) should be informed so that the above determinations can be reconsidered.

The Service appreciates the opportunity to provide comments. If you have any questions on these comments, please contact Charlene Bessken of this office at (605) 224-8693, Extension 31.

Sincerely,

A handwritten signature in dark ink, appearing to read "Pete Gober", with a stylized, cursive script.

Pete Gober
Field Supervisor
South Dakota Field Office

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of December 18 through December 31, 2003

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 report. Phone: 605-773-3201

CONSUMER COMPLAINTS

CT03-159 **In the Matter of the Complaint filed by Arnold Wienk, Lake Preston, South Dakota, against S&S Communications/Alterna-Cell Regarding Loss of Long Distance Services.**

Complainant states that he purchased a four-year prepaid long distance service plan on July 2, 2002. Service was terminated without notice in early June of 2003. Complainant seeks to be reimbursed for the prepaid service not provided.

Staff Analyst: Jim Mehlhaff
Staff Attorney: Kelly Frazier
Date Docketed: 12/18/03
Intervention deadline: N/A

ELECTRIC

EL03-033 **In the Matter of the Request by Xcel Energy for Approval of the Construction of a Third Simple Cycle Combustion Turbine Generator at the Angus C. Anson Site Near Sioux Falls.**

On December 19, 2003, the Commission received a request from Xcel Energy that the facility permit order issued in Docket EL91-001 on May 20, 1993, be amended to reflect the proposed construction of a third simple cycle combustion turbine generator at the Angus C. Anson Site near Sioux Falls, South Dakota. The unit will be a General Electric Model 7FA, with a nominal capacity of 160 MW. The Commission's original order approved the construction for up to four 100-megawatt simple cycle combustion turbine generators at the site. Two 105-megawatt combustion turbines have already been installed. This filing by Xcel Energy is to certify that the conditions leading to the issuance of the Facility Siting Permit in Docket EL91-001 will continue to be met.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer
Date Docketed: 12/19/03
Intervention deadline: 01/09/04

TELECOMMUNICATIONS

TC03-201 **In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and DIECA Communications, Inc. d/b/a Covad Communications Company.**

On December 18, 2003, the Commission received a Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and DIECA Communications, Inc. d/b/a Covad

Communications Company. According to the parties, the Amendment is made in order to replace the previously approved Joint Testing Amendment, in its entirety, with the terms, conditions and rates for Joint Testing as set forth in Attachment 1 and Exhibit A, which were filed with the Amendment. The original Agreement was approved by the Commission on November 18, 1999, in Docket No. TC99-017. 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 January 7, 2004. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier
Date Docketed: 12/18/03
Initial Comments Due: 01/07/04

TC03-202 In the Matter of the Application of Computer Network Technology Corporation for a Certificate of Authority to Provide Interexchange Telecommunications Services and Local Exchange Services in South Dakota.

Computer Network Technology Corporation filed an application for a Certificate of Authority to provide local exchange and interexchange telecommunications services in South Dakota. The applicant intends to provide "non-switched local intrastate interexchange services, specifically private line special access services." The applicant does not intend to provide rural local exchange services.

Staff Analyst: Steve Wegman
Staff Attorney: Kelly Frazier
Date Docketed: 12/19/03
Intervention Deadline: 01/16/04

TC03-203 In the Matter of the Application of Phonetec PCS, LLC for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.

On December 24, 2003, Phonetec PCS, LLC filed an application for a Certificate of Authority to provide resold interexchange telecommunication service in South Dakota. Phonetec intends to offer 1+ and 101XXXX outbound dialing, 800/888 toll-free inbound dialing, directory assistance, data services and postpaid calling card service throughout South Dakota.

Staff Analyst: Michele Farris
Staff Attorney: Karen Cremer
Date Docketed: 12/24/03
Intervention Deadline: 01/16/04

TC03-204 In the Matter of the Filing for Approval of a Reciprocal Transport and Termination Agreement between Qwest Wireless, LLC and TW Wireless, LLC and PrairieWave Telecommunications, Inc.

On December 24, 2003, the Commission received a Filing of a Reciprocal Transport and Termination Agreement between Qwest Wireless, LLC and TW Wireless, LLC and PrairieWave Telecommunications, Inc. for approval. According to the filing, the parties wish to put in place an arrangement for the mutual exchange and reciprocal compensation of local telecommunications traffic in accord with the 1996 Telecommunications Act which is intended to supersede any previous arrangements between the parties relating to such traffic. 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 January 13, 2004. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier

Date Docketed: 12/24/03

Initial Comments Due: 01/13/04

- TC03-205 In the Matter of ACSI Local Switched Services, Inc. d/b/a e.spire's Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC03-206 In the Matter of All-Star Acquisition Corporation's Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC03-207 In the Matter of Atlas Communications, LTD's Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC03-208 In the Matter of Big Planet, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC03-209 In the Matter of Comtel Network, LLC's Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC03-210 In the Matter of Eastern Telecommunications Incorporated's Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC03-211 In the Matter of Essex Communications, Inc. d/b/a eLEC Communications' Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC03-212 In the Matter of ezTel Network Services, LLC's Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC03-213 In the Matter of GLD Group Long Distance, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC03-214 In the Matter of Glyphics Communications, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC03-215 In the Matter of Intelecall Communications, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC03-216 In the Matter of Intercontinental Communications Group, Inc. d/b/a Fusion Telecom/Fusion - Trucker Phone's Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC03-217 In the Matter of LD Exchange.com, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.**
- TC03-218 In the Matter of Long Distance Billing Services, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.**

- TC03-219 In the Matter of Maxcess, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-220 In the Matter of Natel, LLC's Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-221 In the Matter of Norstar Communications, Inc. d/b/a Business Savings Plan's Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-222 In the Matter of QuantumShift Communications, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-223 In the Matter of S&S Communications/Alterna-Cell's Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-224 In the Matter of Sonix4U, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-225 In the Matter of Special Accounts Billing Group, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-226 In the Matter of TON Services, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-227 In the Matter of TransNet Connect, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-228 In the Matter of UKI Communications, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-229 In the Matter of United Communications HUB, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
- TC03-230 In the Matter of Western CLEC Corporation d/b/a Business Services by Cellular One's Failure to Submit a Report and Pay the Gross Receipts Tax.

The above companies shall appear on January 20, 2004, at 10:00 a.m. in the Cactus Conference Room, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A.

Deputy Executive Director: Heather Forney
Staff Attorney: Karen Cremer
Date Docketed: 12/31/03
Hearing Date: 01/20/04

You may receive this listing and other PUC publications via our website or via internet e-mail.
You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc>



Northern Natural Gas Company
P.O. Box 3330
Omaha, NE 68103-0330
402-398-7200

January 7, 2004

RECEIVED

JAN 08 2004

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

South Dakota Public
Utilities Commission
Capitol Building, 1st floor
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Sir or Madam:

Please find enclosed for filing the original and eleven copies of the Petition for Intervention of Northern Natural Gas Company. Please return a file-stamped copy for my records in the enclosed envelope. Kindly contact me should you have any questions.

Very truly yours,

James R. Talcott /s/

James R. Talcott
Senior Counsel

cc: Lon Stanton
Bob Stevens
Mike Loeffler

RECEIVED

BEFORE THE PUBLIC UTILITIES COMMISSION

JAN 08 2004

OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE REQUEST BY XCEL ENERGY) DOCKET EL03-033
FOR APPROVAL OF THE CONSTRUCTION OF A THIRD)
SIMPLE CYCLE COMBUSTION TURBINE GENERATOR) **PETITION FOR**
AT THE ANGUS C. ANSON SITE NEAR SIOUX FALLS) **INTERVENTION**

Pursuant to ARSD 20:10:01:15:02, Northern Natural Gas Company (Northern) by its undersigned counsel petitions the Commission as follows:

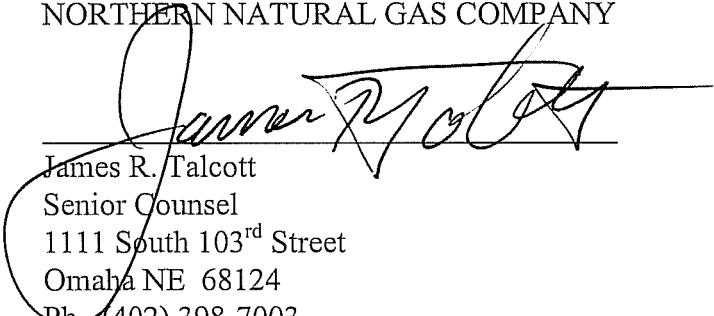
Northern is an interstate natural gas pipeline company under the jurisdiction of the Federal Energy Regulatory Commission.

On December 19, 2003, Xcel Energy filed with the Commission a request that the facility permit order issued in Docket EL91-001 on May 20, 1993, be amended to reflect the proposed construction of a third simple-cycle combustion turbine generator at the Angus C. Anson site near Sioux Falls, South Dakota.

Northern is a transporter of natural gas to Xcel Energy, including the Angus C. Anson site near Sioux Falls. As such, Northern has a direct and substantial interest in this proceeding.

Dated this 7th day of January 2004.

NORTHERN NATURAL GAS COMPANY



James R. Talcott
Senior Counsel
1111 South 103rd Street
Omaha NE 68124
Ph: (402) 398-7003
Fax: (402) 398-7426

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 7th day of January 2004, he mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the foregoing in the above-captioned action to Michele Farris and Karen Cremer.

James R. Talcott /s/
James R. Talcott

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

IN THE MATTER OF THE REQUEST BY XCEL)
ENERGY FOR APPROVAL OF THE)
CONSTRUCTION OF A THIRD SIMPLE CYCLE)
COMBUSTION TURBINE GENERATOR AT)
THE ANGUS C. ANSON SITE NEAR SIOUX)
FALLS)

**ORDER GRANTING
INTERVENTION**

EL03-033

On December 19, 2003, the Commission received a request from Xcel Energy that the facility permit order issued in Docket EL91-001 on May 20, 1993, be amended to reflect the proposed construction of a third simple cycle combustion turbine generator at the Angus C. Anson Site near Sioux Falls, South Dakota. The unit will be a General Electric Model 7FA, with a nominal capacity of 160 MW. The Commission's original order approved the construction of up to four 100-megawatt simple cycle combustion turbine generators at the site. Two 105-megawatt combustion turbines have already been installed. This filing by Xcel Energy is to certify that the conditions leading to the issuance of the Facility Siting Permit in Docket EL91-001 will continue to be met.

On December 31, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of January 9, 2004, to interested individuals and entities. On January 8, 2004, the Commission received a Petition to Intervene from Northern Natural Gas Company (Northern).

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B and ARSD 20:10:01:15.05 and 20:10:22.

At a regularly scheduled meeting of January 20, 2004, the Commission found that the Petition to Intervene demonstrated good cause to grant intervention. It is therefore

ORDERED, that the Petition to Intervene of Northern is hereby granted.

Dated at Pierre, South Dakota, this 28th day of January, 2004.

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 facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: Helaine Kalbo

Date: 1/28/04

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr

ROBERT K. SAHR, Chairman

Gary Hanson

GARY HANSON, Commissioner

LAW OFFICES
MAY, ADAM, GERDES & THOMPSON LLP
503 SOUTH PIERRE STREET
P.O. BOX 160
PIERRE, SOUTH DAKOTA 57501-0160

THOMAS C. ADAM
DAVID A. GERDES
CHARLES M. THOMPSON
ROBERT B. ANDERSON
BRENT A. WILBUR
TIMOTHY M. ENGEL
MICHAEL F. SHAW
NEIL FULTON
BRETT KOENECKE

SINCE 1881
www.magt.com

February 2, 2004

OF COUNSEL
WARREN W. MAY
GLENN W. MARTENS 1881-1963
KARL GOLDSMITH 1885-1966

TELEPHONE
605 224-8803

TELECOPIER
605 224-6289

E-MAIL
dag@magt.com

HAND DELIVERED

Pam Bonrud
Executive Secretary
Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501

RECEIVED

FEB 02 2004

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

RE: IN THE MATTER OF THE REQUEST BY XCEL ENERGY FOR
APPROVAL OF THE CONSTRUCTION OF A THIRD SIMPLE CYCLE
COMBUSTION TURBINE GENERATOR AT THE ANGUS C. ANSON
SITE NEAR SIOUX FALLS
Docket EL03-033
Our file: 0185

Dear Pam:

Enclosed are original and ten copies of my Notice of
Appearance in the above-entitled matter, which please file.

With a copy of this letter, I am sending copies of the
enclosure to the service list. Thank you very much.

Yours truly,

MAY, ADAM, GERDES & THOMPSON LLP



DAVID A. GERDES

DAG:mw

Enclosures

cc/enc: Jim Wilcox

James R. Talcott

Karen Cremer

Michele Farris

RECEIVED

FEB 02 2004

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE REQUEST BY) EL03-033
XCEL ENERGY FOR APPROVAL OF THE)
CONSTRUCTION OF A THIRD SIMPLE CYCLE)
COMBUSTION TURBINE GENERATOR AT THE) NOTICE OF
ANGUS C. ANSON SITE NEAR SIOUX FALLS.) APPEARANCE

TO WHOM IT MAY CONCERN:

YOU WILL PLEASE TAKE NOTICE that the undersigned appears in the above-entitled matter as counsel for Northern States Power Company dba Xcel Energy in the above-entitled matter, and copies of all filings by the parties in the above-entitled matter should be served upon the undersigned at the address set forth below.

Dated this 2 day of February, 2004.

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

DAVID A. GERDES

Attorneys for Xcel Energy

503 South Pierre Street

P.O. Box 160

Pierre, South Dakota 57501-0160

Telephone: (605)224-8803

Telefax: (605)224-6289

CERTIFICATE OF SERVICE

David A. Gerdes of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 2 day of February, 2004, he mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the foregoing in the above-captioned action to the following at their last known addresses, to-wit:

James R. Talcott
Northern Natural Gas
P.O. Box 3330
Omaha, Nebraska 68103-0330

Karen Cremer
Staff Attorney
Public Utilities Commission
500 East Capitol
Pierre, South Dakota 57501

Michele Farris
Staff Analyst
Public Utilities Commission
500 East Capitol
Pierre, South Dakota 57501


David A. Gerdes

LAW OFFICES
MAY, ADAM, GERDES & THOMPSON LLP
503 SOUTH PIERRE STREET
P.O. BOX 160
PIERRE, SOUTH DAKOTA 57501-0160

THOMAS C. ADAM
DAVID A. GERDES
CHARLES M. THOMPSON
ROBERT B. ANDERSON
BRENT A. WILBUR
TIMOTHY M. ENGEL
MICHAEL F. SHAW
NEIL FULTON
BRETT KOENECKE

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March 19, 2004

OF COUNSEL
WARREN W. MAY
GLENN W. MARTENS 1881-1963
KARL GOLDSMITH 1885-1966

TELEPHONE
605 224-8803

TELECOPIER
605 224-6289

E-MAIL
dag@magt.com

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MAR 19 2004

HAND DELIVERED

Pam Bonrud
Executive Secretary
Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RE: ANGUS ANSON SITING PERMIT
Docket EL03-033
Our file: 0185

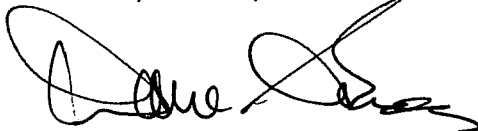
Dear Pam:

Enclosed are original and ten copies of a Certification for filing in the above-entitled docket.

This is in response to staff's request that a Certification signed by an officer of the company be on file with the documents that were previously filed.

Yours truly,

MAY, ADAM, GERDES & THOMPSON LLP



DAVID A. GERDES

DAG:mw

Enclosures

cc/enc: Jim Wilcox
Karen Cremer

RECEIVED

MAR 19 2004

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE REQUEST BY) EL03-033
XCEL ENERGY FOR APPROVAL OF THE)
CONSTRUCTION OF A THIRD SIMPLE CYCLE)
COMBUSTION TURBINE GENERATOR AT THE) **CERTIFICATION**
ANGUS C. ANSON SITE NEAR SIOUX FALLS.)

State of Minnesota)
) ss
County of Ramsey)

Northern States Power Company d/b/a Xcel Energy ("Xcel Energy") has filed with the Commission in this docket its certification that the conditions upon which the Commission granted the facility permit for up to four combustion turbines will continue to be met with the installation of a third combustion turbine generator, a General Electric Model 7FA, 160 megawatt unit, at the site. ("The Angus Anson Siting Certification"). Therefore, under the terms and conditions stated in the Angus Anson Siting Certification, Xcel Energy hereby certifies that the conditions upon which the Commission granted the facility permit for up to four combustion turbines will continue to be met with the installation of the third combustion turbine generator at the site.

Dated this 15th day of March, 2004.

NORTHERN STATES POWER COMPANY
D/B/A XCEL ENERGY

BY: 

Kent Larson, State Vice President -
MN, ND & SD
825 Rice Street
St. Paul, Minnesota 55117

Subscribed and sworn to before me this 15th day of March,
2004.



(SEAL)

Sheryl G. Macklin
Notary Public

Notary Print Name: Sheryl A. Macklin
My Commission Expires: January 31, 2006

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

IN THE MATTER OF THE REQUEST BY XCEL)
ENERGY FOR APPROVAL OF THE)
CONSTRUCTION OF A THIRD SIMPLE CYCLE)
COMBUSTION TURBINE GENERATOR AT)
THE ANGUS C. ANSON SITE NEAR SIOUX)
FALLS)

ORDER ACCEPTING
CERTIFICATION

EL03-033

On December 19, 2003, the Commission received a request from Xcel Energy that the facility permit order issued in Docket EL91-001 on May 20, 1993, be amended to reflect the proposed construction of a third simple cycle combustion turbine generator at the Angus C. Anson Site near Sioux Falls, South Dakota. The unit will be a General Electric Model 7FA, with a nominal capacity of 160 MW. The Commission's original order approved the construction of up to four 100-megawatt simple cycle combustion turbine generators at the site. Two 105-megawatt combustion turbines have already been installed. This filing by Xcel Energy is to certify that the conditions leading to the issuance of the Facility Siting Permit in Docket EL91-001 will continue to be met.

On December 31, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of January 9, 2004, to interested individuals and entities. On January 8, 2004, the Commission received a Petition to Intervene from Northern Natural Gas Company (Northern). At a regularly scheduling meeting of January 20, 2004, the Commission granted intervention to Northern. On March 4, 2004, the Commission held a public meeting in Sioux Falls, South Dakota, regarding this matter. On March 19, 2004, the Commission received a Certification from Xcel.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B and ARSD 20:10:01:15.05 and 20:10:22.

At a regularly scheduled meeting of March 23, 2004, the Commission considered this matter. The Commission voted to accept the certification as conforming to SDCL 49-41B-27. It is therefore

ORDERED, that the certification is hereby accepted as conforming to SDCL 49-41B-27.

Dated at Pierre, South Dakota, this 5th day of April, 2004.

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 facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Melaine Kolbo</u>
Date:	<u>4/6/04</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner