

STIPULATION OF TERMS AND CONDITIONS:

1. The Applicant will obtain all governmental Permits that may be required by any township, count, state or federal agency or any other governmental unit for construction activity covered by that Permit. Copies of any Permits obtained by the Applicant shall be sent to the Commission.
2. If it becomes necessary to deviate from the described centerline to accommodate engineering and applicable safety and construction requirements based upon actual conditions encountered during construction, all landowners affected by the deviation and the Commission must be notified in writing five working days before the deviation may occur. All deviations must be approved by the Commission.
3. In order to ensure compliance with the terms and conditions of this Permit pursuant to SDCL 49-41B-33, it is necessary for the enforcement of this Order that all employees, contractors and agents of the Applicant, to the extent of their interest, involved in this transmission line project be made aware of the terms and conditions of this Permit.
4. The Applicant shall ensure that its employees, contractors and agents involved in right-of-way negotiations and acquisitions, right-of-way clearing, line construction and right-of-way and line maintenance understand fully and comply with the terms and conditions of this Permit.
5. If during construction, the Applicant or their agents discover what may be an archaeological resource, the Applicant or their agents shall immediately cease work at that portion of the site and notify the South Dakota State Historic Preservation Officer and follow the practices set forth in the correspondence between the Applicant (or Xcel Energy on Applicant's behalf) and the South Dakota State Historical Society (SDSHS) dated December 4, 2012. If route changes are necessary, the Applicant must seek Commission approval. Correspondence is attached as Exhibit A.
6. The Applicant shall comply with the requirements outlined in the correspondence between Applicant (or Xcel Energy on Applicant's behalf) dated November 27, 2012 and the U.S. Fish and Wildlife Service (USFWS). The USFWS concurred with the Applicant's proposed practices via correspondence dated November 28, 2012. Correspondence attached as Exhibit B.
7. In order to mitigate interference with agricultural operations during and after construction, the Applicant shall locate all structures, to the extent feasible and prudent, to minimize adverse impact and interferences with agricultural operations, shelterbelts and other land uses or activities. The Applicant shall take appropriate precautions to protect livestock and crops during construction. The Applicant shall repair all fences and gates removed or damaged during construction or maintenance unless negotiated with the landowner or designee. The Applicant shall be responsible for the repair of private roads and lands damaged when moving equipment or when obtaining access to the right-of-way.

8. The Applicant shall provide each landowner across whose property the facility is to be constructed with the following information:
 - A copy of the Commission's Order.
 - Detailed safety information describing (a) reasonable safety precautions for existing activities on or near the right-of-way; (b) known activities or uses that are presently prohibited within the right-of-way; and (c) other potential dangers or limitations within the right-of-way.
 - Construction/maintenance damage compensation policies and procedures.
 - The Commission's address and phone number.
9. The Applicant shall also comply with terms and conditions as set forth in the Findings of Fact, to the extent they apply to the facilities proposed for construction as described in Applicant's Petition submitted in this Docket .
10. The terms and conditions of the Permit shall be made a uniform condition of construction, subject only to an affirmative written request for an exemption addressed to the Commission. A request for an exemption shall clearly state which particular condition should be applied to the property in question and the reason for the requested exemption. The Commission shall evaluate such requests on a case-by-case basis.
10. The Applicant will be expected to conform to the Avian Protection Plan Guidelines prepared by the Avian Power Line Interaction Committee and U.S. Fish and Wildlife Service.
11. Before commencing construction, the Applicant shall furnish an indemnity bond in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) to comply with the requirements of SDCL 49-41B-38.
12. If the presences or operation of the transmission lines or substation causes interference with radio, television or any legal communication device, the Applicant shall take all appropriate action to minimize any such interference and make a good faith effort or restore or provide reception levels equivalent to reception levels in the immediate areas just prior to construction of the transmission facility and substation. This mitigation requirement shall apply to homes or other structures in place at the time of construction of the applicable transmission facilities and substation approved in this Permit have been completed.
13. Before construction may begin on the facility, the Applicant shall file a copy of the Plan and Profile Maps with the Commission.

Dated this 2 day of April, 2013.



Dean Pawlowski
Principal Engineer
Otter Tail Power Company

Dated this ^{2nd}2 day of April, 2013.



Karen E. Cremer
Staff Attorney
Public Utilities Commission of South Dakota