

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

**IN THE MATTER OF THE APPLICATION)
OF BLACK HILLS POWER, INC. FOR A)
PERMIT TO CONSTRUCT A 230 KV) EL14-061
TRANSMISSION LINE AND ASSOCIATED)
SUBSTATION MODIFICATION FACILITY)
PERMIT)**

**AMENDED NOTICE OF MATERIAL DEVIATION FROM THE DESCRIBED
CENTERLINE AND REQUEST FOR APPROVAL**

Black Hills Power, Inc. (“Black Hills Power” or “Company”), files this Amended Notice of Material Deviation from the Described Centerline and Request for Approval pursuant to paragraph 22 of the Settlement Stipulation that was executed in Docket EL14-061 and approved by the South Dakota Public Utilities Commission (“Commission”) in its December 24, 2014 Final Decision and Order. In support of this Amended Notice and Request for Approval, Black Hills Power sets forth the following:

1. Mr. Haven Stuck is the owner of record of property legally described as:

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4SW1/4) OF SECTION 1; GOVERNMENT LOTS 1,2 AND 3, THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (N1/2SE1/4NW1/4), THE SOUTH HALF OF THE NORTHEAST QUARTER (S1/2NE1/4), THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (E1/2NE1/4SE1/4), THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4SE1/4), THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (E1/2SW1/4SE1/4) OF SECTION 2, ALL IN TOWNSHIP 1 NORTH OF RANGE 6 EAST OF THE BLACK HILLS MERIDIAN.

GOVERNMENT LOT 4 (A/K/A THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER NW1/4NW1/4); THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4NW1/4);THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW1/4SW1/4) AND THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (W1/2W1/2NE1/4SW1/4); ALL IN SECTION 1 IN TOWNSHIP 1 NORTH OF RANGE 6 EAST OF THE BLACK HILLS MERIDIAN, PENNINGTON COUNTY, SOUTH DAKOTA.

2. In its December 24, 2014 Final Decision and Order, the Commission approved the project route over the parcel of land that is owned by Mr. Stuck and depicted in Exhibit A.
3. Following the Commission’s December 24, 2014 Final Decision and Order, Mr. Stuck requested that Black Hills Power make a change in the route that would traverse the parcel depicted in Exhibit A. The route change that Mr. Stuck has asked Black Hills Power to adopt is depicted in Exhibit B.
4. Two additional parcels of property are located within one-half mile of the proposed site where the facility would be constructed. Under SDCL 49-41B-5.2, the owners would have been entitled to notice of the proposed facility had the Stuck route modification

been before the Commission prior to its approval of the approved route. Neither the approved route nor the proposed route cross the two additional parcels of property.

5. The owners of record for the first additional parcel of property that, if the proposed route is approved by the Commission, will be located within one-half mile of the proposed route are Allan & Leah Dewald, 6780 Nameless Cave Road, Rapid City, SD 57702. The legal description for this parcel of property is NW1/4 NE1/4 NW1/4; SE1/4 NE1/4 NW1/4; SW1/4 NW1/4 NE1/4 Less Lot A of Hillenbrand Sub; S1/2 NE ¼ Less Lot A of Hillenbrand Sub, and Dewald's Sub, Lot B. Mr. and Mrs. Dewald were provided notice of the project on July 16, 2014, because they are the owners of record of other parcels of property that are located within one-half mile of the approved route.
6. On October 6, 2015, Mr. and Mrs. Dewald executed Affidavits waiving their right to notice under SDCL 49-41B-5.2 for the parcel identified in paragraph 5 and consenting to the route that is depicted in Exhibit B. Mr. Dewald's Affidavit is attached as Exhibit C, and Mrs. Dewald's Affidavit is attached as Exhibit D.
7. The owner of record for the second additional parcel of property that, if the proposed route is approved by the Commission, will be located within one-half mile of the proposed route is Mysti B. Wenzel. The legal description for this parcel of property is NE1/4 NE1/4 NW1/4; N1/2N1/2 NE1/4; S1/2NE1/4NE1/4 Less Lot A of Hillenbrand Sub; That PT of SE1/4 NW1/4 NE1/4 Lying N of Lot A of Hillenbrand Sub. Ms. Wenzel did not receive notice of the project prior to the Commission's December 24, 2014 Final Decision and Order. Ms. Wenzel was provided notice of the project on August 5, 2015.
8. On October 7, 2015, Ms. Wenzel executed an Affidavit waiving her right to notice under SDCL 49-41B-5.2 and consenting to the route that is depicted in Exhibit B. Ms. Wenzel's Affidavit is attached as Exhibit E.
9. As Mr. and Mrs. Dewald and Ms. Wenzel have waived their rights to notice under SDCL 49-41B-5.2, and have consented to the proposed route as depicted in Exhibit B, Black Hills Power requests approval from the Commission of the proposed material deviation from the project centerline that was approved in the Commission's December 24, 2014 Final Decision and Order.

Dated this 14th day of October, 2015.

Black Hills Power, Inc.



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