

Electric Orders - Issued 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF A PETITION BY NORTHERN STATES) ORDER APPROVING
POWER COMPANY FOR A STATEMENT TO THE SECURITIES) ISSUANCE OF A
AND EXCHANGE COMMISSION REGARDING INVESTMENT IN) LETTER
A FOREIGN UTILITY)
) EL97-022

On November 18, 1997, Northern States Power Company (NSP) filed a request with the South Dakota Public Utilities Commission (Commission) that the Commission issue a letter to the Securities and Exchange Commission pursuant to 15 USCS Section 79z-5b indicating that the Commission has jurisdiction over NSP. The certification would represent that the Commission has authority and resources to protect ratepayers of NSP with respect to such acquisitions and that it intends to exercise that authority.

As part of its application, NSP represented to the Commission that it and its affiliates intended, including through NRG Energy, Inc., a subsidiary of NSP, to acquire interests in foreign utility companies in Canada, Central and South America, the Caribbean, the United Kingdom, Europe, Australia, New Zealand and Asia with a total equity investment not to exceed five hundred million United States dollars.

Commission staff recommended granting a letter of certification with the following conditions:

1. This certification is limited to the proposed NRG foreign utility company investments in the filing with a maximum amount to be spent thereon being five hundred million United States dollars.
2. In the event NSP acquires interests in foreign utility companies and the sum total of these acquisitions exceed the amount of five hundred million United States dollars upon which this certification is premised, NSP shall provide advance notification to the South Dakota Public Utilities Commission of its intent to acquire those interests in foreign utility companies and it shall obtain separate certification for any such additional investment.
3. NSP will not encumber any South Dakota property because of these foreign investments.
4. Neither NSP nor any of its current or future subsidiaries or affiliates will ever seek to recover, either directly or indirectly, from South Dakota ratepayers through any regulated utility rates of any costs, expenses or losses of any nature whatsoever which may result from this or any other

investment in foreign utility companies.

- 5. This certification is conditioned on and subject to being removed or withdrawn at any time by the Commission as to any future foreign utility company investments if the Commission deems such action is warranted.

A regularly scheduled January 20, 1998, meeting, the Commission considered this matter. The Commission voted unanimously to grant the letter of certification, subject to the conditions delineated above as recommended by staff.

The Commission has jurisdiction in this matter pursuant to 15 USCS Section 79z-5b and SDCL 49-34A-6. It is therefore

ORDERED that the Commission shall issue a letter of certification as petitioned for by NSP upon the five conditions specified above.

Dated at Pierre, South Dakota, this 21st day of January, 1998.

CERTIFICATE OF SERVICE

BY ORDER OF THE COMMISSION:

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.

JAMES A. BURG, Chairman

By: _____

PAM NELSON, Commissioner

Date: _____

(OFFICIAL SEAL)

LASKA SCHOENFELDER,
Commissioner

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