

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

IN THE MATTER OF THE PETITION FOR DECLARATORY RULING FILED BY THE CITY OF PIERRE REGARDING A TRANSMISSION LINE))))))	<u>AMENDED ORDER FOR AND NOTICE OF HEARING AND PROCEDURAL SCHEDULE EL98-004</u>
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On March 19, 1998, the South Dakota Public Utilities Commission (Commission) received a Petition for Declaratory Ruling from the City of Pierre, South Dakota. In the Petition, the City of Pierre asks that a determination be made as to whether or not a permit from the Commission is necessary to build a proposed 115 kv transmission line as described in the Petition or whether it may be built under an exception to the permit statute.

On March 26, 1998, at its regularly scheduled meeting, the Commission considered the matter along with comments from attorneys for the City of Pierre, private landowners, and Oahe Electric Cooperative, Inc. The timing restrictions of ARSD 20:10:01:35 were discussed and a procedural schedule was set by the Commission.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B, SDCL 11-26-15, and ARSD 20:10:01:34 et seq. The Commission voted to set the procedural schedule which shall be as follows:

Parties wishing to intervene shall file a petition to intervene by 5:00 o'clock P.M., on April 8, 1998, and the hearing in this matter shall be April 22, 1998, commencing at 8:15 o'clock A.M., in Room 468 of the State Capitol Building, Pierre, South Dakota. All persons testifying will be subject to cross-examination. The order of the proceeding will be in the following sequence: (1) Petitioner; (2) Intervenors; and (3) Staff.

The issue at the hearing is whether a permit from the Commission is necessary to build a proposed 115 kv transmission line as described in the Petition or whether it may be built under an exception to the permit statute.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. The Commission's decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issue of whether a permit from the Commission is necessary to build a proposed 115 kv transmission line as described in the Petition or whether it may be built under an exception to the permit statute.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 15th day of April, 1998.

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>Delaine Kalks</u>
Date:	<u>4/2/98</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:
Commissioners Burg, Nelson and
Schoenfelder

William T. Bullard, Jr.
WILLIAM BULLARD, JR.
Executive Director