

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

<b>IN THE MATTER OF THE PETITION FOR )</b>	<b>ORDER GRANTING</b>
<b>DECLARATORY RULING FILED BY THE CITY )</b>	<b>DISCOVERY AND DENYING</b>
<b>OF PIERRE REGARDING A TRANSMISSION )</b>	<b>MOTION TO RESCHEDULE</b>
<b>LINE )</b>	<b>EL98-004</b>

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 and hearing date were set by the Commission. The procedural schedule is as follows: Parties wishing to intervene shall file a Petition to Intervene by 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.

At its regularly scheduled April 9, 1998, meeting the Commission granted the following Petitions to Intervene: 1. Harvey Buhl; 2. Bernard and Thelma Beastrom; 3. Terry Barge; 4. Ben Handcock; 5. Ron Nagle; 6. Monte Leiferman; 7. Brian Knox; 8. Mark Steiner, D.C.; 9. Marie Bellander; 10. Blalin Bellander; 11. Bruce D. Johnson; 12. John Thompson; and 13. Brian and Mary Puckett.

On April 9, 1998, the Commission received two motions from intervenors Harvey Buhl, Bernard and Thelma Beastrom, Terry Barge, and Brian and Mary Puckett: Motion for Order to Take Depositions, Interrogatories and Other Discovery Proceedings and Motion to Reschedule Hearing and for Scheduling Order After Proper Discovery. On April 10, 1998, the city of Pierre filed a response to the motions.

At a meeting held on April 13, 1998, the Commission considered the motions. Commissioners Jim Burg and Pam Nelson were present. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B, SDCL 1-26-15, and ARSD 20:10:01:22.01, 20:10:01:34, and 20:10:01:35. After listening to the arguments of the parties, the Commission voted to allow the intervenors to conduct discovery through interrogatories and depositions and denied the motion to reschedule the hearing. Specifically, the Commission will allow the intervenors to depose Robert Thelen, surveyor, and Todd Chambers, city engineer. Les Hinzman and Lynn Askew, employees of Power Engineers (the city's consultant from Haley, Idaho) will be available for cross-examination

at the hearing. All written interrogatories will be served on the city of Pierre on or before April 14, 1998. It is therefore

ORDERED, that the motion for discovery is granted to allow interrogatories and the taking of the depositions of Robert Thelen and Todd Chambers; and it is

FURTHER ORDERED, that the motion to reschedule the hearing is denied.

Dated at Pierre, South Dakota, this 13<sup>th</sup> day of April, 1998.

<b>CERTIFICATE OF SERVICE</b>
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><i>Alvin Kells</i></u>
Date: <u>4/13/98</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*James A. Burg*  
JAMES A. BURG, Chairman

*Pam Nelson*  
PAM NELSON, Commissioner