

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

IN THE MATTER OF THE PETITION FOR) DECLARATORY RULING
DECLARATORY RULING BY THE MAYOR OF)
THE CITY OF FLANDREAU ON WHETHER A) EL99-010
PROPOSED TRANSMISSION LINE MEETS)
THE DEFINITION OF SDCL 49-41B-2.1)

On May 26, 1999, the South Dakota Public Utilities Commission (Commission) received a Petition for Declaratory Ruling from the City of Flandreau, South Dakota (City). According to the Petition, the City is proposing to construct a new 115 kV electric transmission line source from the existing Western Area Power Administration substation located west of the City. The City plans to deliver electrical energy to its customers using this new transmission line and new substation. The new line will be approximately 1.8 miles in length sourcing a new substation to be built in the City. Single pole structures will be used for the transmission line and the entire line will be installed within the existing SD Highway 32 and street right-of-way with possible exceptions at corner structures where private easements may be obtained for the placement of guying equipment. The project also includes the construction of a new 115 kV to 12.5 kV low-profile electric power substation on the west side of the City, on existing City-owned property within City limits. The City asked that a determination be made as to whether or not the proposed project falls within the SDCL 49-41B-2.1 definition of a transmission line and associated facility, thereby requiring a SDPUC permit.

On June 22, 1999, at its regularly scheduled meeting, the Commission considered the matter. The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-41B, specifically, 49-41B-2.1(2) which states that a 115 kV transmission line is subject to the Commission's siting jurisdiction "if more than one mile in length of the transmission line does not follow section lines, property lines, roads, highways or railroads, or is not reconstruction or modification of existing transmission lines and existing associated facilities located on abandoned railroad rights-of-way. . . ." The Commission finds that the proposed project does not meet the definition of a transmission line and associated facility and therefore is not subject to the Commission's siting jurisdiction. It is therefore

ORDERED that the City's proposed 115 kV transmission line is exempt from the Commission's siting jurisdiction because the entire line will be installed within the existing right-of-way on SD Highway 32 and Industrial Park Road with the exception of the guying equipment for the corner pole from the Industrial Park Road to the substation which is less than one mile in length.

Dated at Pierre, South Dakota, this 25th day of June, 1999.

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| 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 first class mail, in properly addressed envelopes, with charges prepaid thereon. |
| By: <u>Alaine Kello</u> |
| Date: <u>6/25/99</u> |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner