

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

IN THE MATTER OF THE APPLICATION OF)	DECISION AND ORDER
THE CITY OF PIERRE FOR A CONSTRUCTION)	APPROVING STIPULATION
PERMIT FOR 4.83 MILES OF 115KV ELECTRIC)	AND GRANTING PERMIT TO
TRANSMISSION LINE IN HUGHES COUNTY,)	CONSTRUCT
SOUTH DAKOTA)	TRANSMISSION FACILITIES
)	EL00-023

On August 21, 2000, the city of Pierre submitted to the Public Utilities Commission (Commission) an application for a permit to construct transmission facilities as defined at SDCL 49-41B-2(9)(b). According to the application, these facilities consist of approximately 4.03 miles of new 115 kilovolt (kV) electric transmission line and associated terminal facilities between the city of Pierre's Ash Substation and the Western Area Power Administration Oahe-Pierre 115kV line. In addition, a 0.80 mile segment of the city of Pierre's Ash to Evans 115kV transmission line would be relocated to a new route and constructed on new structures. Both transmission lines are located in Hughes County, South Dakota. SDCL 49-41B-12 requires a minimum filing fee deposit of \$8,000.

On August 24, 2000, the Commission electronically transmitted notice of the filing to interested individuals and entities. Applications for party status were due by October 20, 2000. No applications for party status were filed.

On September 13, 2000, at its regularly scheduled meeting, the Commission, pursuant to SDCL 49-41B-12, unanimously voted to assess the city of Pierre the minimum filing fee as requested by the Deputy Executive Director. On October 16, 2000, the Commission held a public input meeting. One private citizen spoke in favor of the transmission line. There were no other comments offered. By order dated December 1, 2000, a hearing was scheduled for December 14, 2000, beginning at 3:00 P.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. Counsel for the city of Pierre requested that the hearing be cancelled. The hearing was cancelled and a new hearing was to be set at a later time.

On January 30, 2001, the Commission received a request from the city of Pierre for a Waiver of the 180-Day Rule. SDCL 49-41B-25 requires the Commission to act on an application within six months. By order dated February 15, 2001, the Commission granted the city of Pierre's request for an extension of time.

On February 21, 2001, at a regularly scheduled meeting, Commission Staff and the city of Pierre notified the Commission that a Stipulation had been reached. The Stipulation set forth Findings of Fact, Conclusions of Law, and Terms and Conditions. The Commission approved the Stipulation with an effective date as of the date of the Order Approving the Stipulation. By adopting the Stipulation the Commission grants the city of Pierre's application for a permit to construct transmission facilities, subject to the terms and conditions listed in the Stipulation.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B, including 1-26-18, 1-26-19, and 49-41B-1, 49-41B-2.1(2), 49-41B-4, 49-41B-11, 49-41B-12, 49-41B-15, 49-41B-16, 49-41B-17, 49-41B-17.1, 49-41B-21, 49-41B-22, 49-41B-25, 49-41B-26, 49-41B-33, 49-41B-38, and ARSD Chapter 20:10:22. It is therefore

ORDERED, that the Stipulation entered into between the city of Pierre and Commission Staff on February 14, 2001, shall be approved and shall be incorporated by reference into this Decision and Order the same as if it had been set forth in its entirety herein; and it is

FURTHER ORDERED, that the city of Pierre is granted a permit to construct the transmission facilities, subject to the terms and conditions listed in the Stipulation.

Dated at Pierre, South Dakota, this 1st of March, 2001.

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> <i>Helaine Kalbs</i> </u>
Date: <u> 3/1/01 </u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

 James A. Burg
JAMES A. BURG, Chairman

 Pam Nelson
PAM NELSON, Commissioner