

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

IN THE MATTER OF THE PETITION OF WEST)
RIVER ELECTRIC ASSOCIATION, INC.)
SEEKING A DETERMINATION AS TO)
WHETHER THE COMMISSION HAS)
JURISDICTION IN THIS INSTANCE AND)
SECONDLY IF THE COMMISSION)
DETERMINES THAT IT HAS JURISDICTION)
TO THEN APPROVE WEST RIVER)
ELECTRIC'S REQUEST TO LOCATE A NEW)
115 KV TRANSMISSION LINE NORTH OF)
RAPID CITY)

**ORDER DETERMINING
JURISDICTION**

EL01-019

On July 16, 2001, the South Dakota Public Utilities Commission (Commission) received a Petition from West River Electric Association, Inc. (WREA) seeking a determination as to whether the Commission has jurisdiction in this instance and secondly if the Commission determines that it has jurisdiction to then approve WREA's request to locate a new 115 kV transmission line north of Rapid City, South Dakota. According to the filing, WREA is proposing to construct a new 115 kV electric transmission line source from the existing Western Area Power Administration substation. WREA has determined that it needs to obtain a 115 kilovolt power connection from Western Area Power Administration and run it into a switchyard where WREA would then take the 115 kilovolt line out of the switchyard and run it approximately 2 miles to a distribution substation. The proposed line will be built with single pole structures and the entire line follows the section lines of the property involved. WREA is seeking a determination from the Commission 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 South Dakota Public Utilities Commission permit.

On August 16, 2001, 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 WREA's proposed 115 kV transmission line is exempt from the Commission's siting jurisdiction because the entire line will follow the section lines of the property involved.

Dated at Pierre, South Dakota, this 22nd day of August, 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: *Nellie Koets*

Date: *8/23/01*

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner