

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

IN THE MATTER OF THE APPLICATION OF ) EAST RIVER ELECTRIC POWER ) COOPERATIVE, INC. FOR A TRANSMISSION ) UPGRADE TO THE SIOUX FALLS AREA 115 ) KV TRANSMISSION PROJECT )	) <u>AMENDED</u> NOTICE OF ) APPLICATION; ORDER FOR ) AND NOTICE OF PUBLIC ) INPUT HEARING; NOTICE ) OF OPPORTUNITY TO ) APPLY FOR PARTY STATUS ) EL04-009
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On February 27, 2004, East River Electric Power Cooperative, Inc. (East River) submitted to the Public Utilities Commission (Commission) an application for its proposed Sioux Falls Area 115 kilovolt (kV) transmission upgrade project. The application states that the proposed project would upgrade approximately 36 miles of an existing 69 kV transmission line and 7 existing 69 kV distribution substations to 115 kV to enable East River to continue to adequately and reliably serve the growing demand for electric service of its member distribution systems in the Sioux Falls area. The line and substation facilities to be upgraded are located in Lincoln and Minnehaha Counties, beginning at WAPA's Sioux Falls Substation on Rice Street and 478 Ave. (east of Great Bear), extending east to the West Brandon Substation on Holly Blvd. west of Brandon, then north and east to the Brandon and Corson Substations on Splitrock Blvd. on the north side of Brandon and east of Corson, respectively, then east on Redwood Blvd. and south on Chestnut Ave. to the Rowena Substation north of Rowena, then south and east to the Splitrock Substation on Highway 42 east of Sioux Falls, then south to the Harrisburg Substation west of Highway 11 (one mile south of the Harrisburg corner), then east to the Tea Substation two miles south of Tea. On March 19, 2004, Xcel Energy, Inc. (Xcel) filed a Motion to Intervene, which motion included a request to receive all filings in the docket.

The Commission asserts jurisdiction over this matter pursuant to SDCL Chapter 49-41B, specifically 49-41B-1, 49-41B-2, 49-41B-2.1, 49-41B-4, 49-41B-11, 49-41B-12, 49-41B-13, 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.

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Pursuant to SDCL 49-41B-15 and 49-41B-16, the Commission will hold a public hearing on East River's application on Monday, April 12, 2004, at ~~8:00~~ 7:00 p.m. CDT in the Meeting Room of the Ronning Branch Library, 3100 E. 49th St. (east of Southeastern on 49th St.), Sioux Falls, SD. The purpose of the hearing will be to hear public comment regarding East River's application. At the public input hearing, East River will present a brief description of the project, following which interested persons may appear and present their views, comments and questions regarding the application. A copy of the application is on file with the Minnehaha and Lincoln County Auditors pursuant to SDCL 49-41B-15(5) and the Commission's office in Pierre.

Pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, the parties to this proceeding are currently East River and the Commission. Xcel has filed a motion to intervene and a request to receive all filings in the case. Further, each municipality, county, and governmental agency in the area where the facility is proposed to be sited; any non-profit organization, formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups, or to promote the orderly development of the area in which the facility is to be sited; or any interested person, may be granted party status in this proceeding by making written application to the Commission.

Following the public input hearing, the Commission may schedule one or more subsequent formal evidentiary hearings conforming to SDCL 1-26 to consider any issues raised by any intervening party, Commission Staff or the Commission itself. At such formal hearing, all parties will have the opportunity to appear and present evidence and cross-examination of the other parties' witnesses and exercise all other rights afforded by SDCL 1-26, 49-1 and 49-41B and ARSD 20:10:01 and 20:10:22. Absent a contested issue, the Commission will schedule the matter for decision at a regular or special meeting of the Commission.

For approval, East River must show that the proposed transmission upgrade project will comply with all applicable laws and rules, will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area, will not substantially impair the health, safety or welfare of the inhabitants, and will not unduly interfere with the orderly development of the region with due consideration having been given to the views of governing bodies of affected local units of government. The Commission will decide whether the permit should be granted, denied or granted upon such terms, conditions or modifications of the construction, operation or maintenance as the Commission finds appropriate.

It is therefore

ORDERED, that the Commission will hold a public input hearing on Monday, April 12, 2004, at ~~8:00~~ 7:00 p.m. CDT, in the Meeting Room of the Ronning Branch Library, 3100 E. 49th St. (east of Southeastern on 49th St.), Sioux Falls, SD; and it is

FURTHER ORDERED, that pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, applications for party status must be filed on or before April 27, 2004; and it is

FURTHER ORDERED, that pursuant to SDCL 49-41B-17.1, a party who wishes to receive personal service of all material filed in this matter shall make a specific request to the Commission for personal service, which may be included in the application for party status. Absent such a specific request, the County Auditors for Minnehaha and Lincoln

Counties are designated by law as the agents for service of process upon all parties to this proceeding residing in Minnehaha and Lincoln Counties, respectively.

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 5<sup>th</sup> day of April, 2004.

<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>Helaine Kolbo</u>
Date:	<u>4/6/04</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert K. Sahr

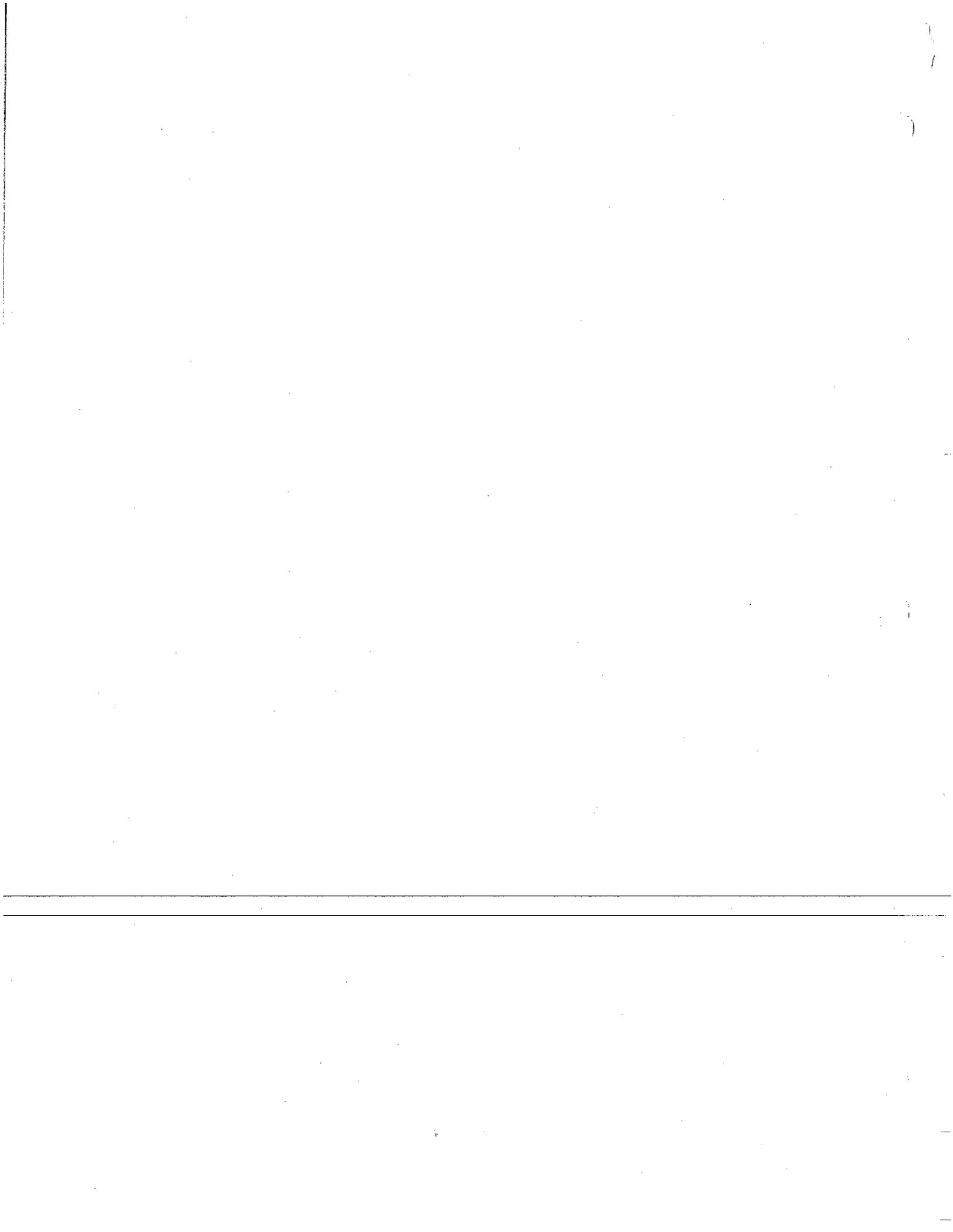
ROBERT K. SAHR, Chairman

Gary Hanson

GARY HANSON, Commissioner

James A. Burg

JAMES A. BURG, Commissioner



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

<b>IN THE MATTER OF THE APPLICATION OF )</b>	<b>ORDER ASSESSING FILING</b>
<b>EAST RIVER ELECTRIC POWER )</b>	<b>FEE</b>
<b>COOPERATIVE, INC. FOR A TRANSMISSION )</b>	
<b>UPGRADE TO THE SIOUX FALLS AREA 115 )</b>	<b>EL04-009</b>
<b>KV TRANSMISSION PROJECT )</b>	

On February 27, 2004, East River Electric Power Cooperative, Inc. (East River) submitted to the Public Utilities Commission (Commission) an application for its proposed Sioux Falls Area 115 kilovolt (kV) transmission upgrade project. The application states that the proposed project would upgrade approximately 36 miles of an existing 69 kV transmission line and 7 existing 69 kV distribution substations to 115 kV to enable East River to continue to adequately and reliably serve the growing demand for electric service of its member distribution systems in the Sioux Falls area. The line and substation facilities to be upgraded are located in Lincoln and Minnehaha Counties, beginning at WAPA's Sioux Falls Substation on Rice Street and 478 Ave. (east of Great Bear), extending east to the West Brandon Substation on Holly Blvd. west of Brandon, then north and east to the Brandon and Corson Substations on Splitrock Blvd. on the north side of Brandon and east of Corson, respectively, then east on Redwood Blvd. and south on Chestnut Ave. to the Rowena Substation north of Rowena, then south and east to the Splitrock Substation on Highway 42 east of Sioux Falls, then south to the Harrisburg Substation west of Highway 11 (one mile south of the Harrisburg corner), then east to the Tea Substation two miles south of Tea. On March 19, 2004, Xcel Energy, Inc. (Xcel) filed a Motion to Intervene, which motion included a request to receive all filings in the docket.

On March 4, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of March 19, 2004, to interested individuals and entities.

SDCL 49-41B-12 authorizes the Commission to assess a maximum fee not to exceed one-quarter of one percent of the first one hundred million dollars of estimated construction costs of the facility. However, the minimum total fee chargeable may not be less than eight thousand dollars. The fee shall be deposited in the South Dakota Public Utilities Commission's (SDPUC) regulatory assessment fee fund to defray Commission expenses incident to analyzing and ruling upon this type of filing.

The Commission asserts jurisdiction over this matter pursuant to SDCL Chapter 49-41B, specifically 49-41B-1, 49-41B-2, 49-41B-2.1, 49-41B-4, 49-41B-11, 49-41B-12, 49-41B-13, 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.

On March 23, 2004, at its regularly scheduled meeting, the Commission, pursuant to SDCL 49-41B-12, unanimously voted to assess East River a filing fee not to exceed \$17,250, with an initial deposit of \$8,000, the minimum fee allowed by law as requested by the Deputy Executive Director. It is therefore

ORDERED, that East River shall be assessed a filing fee of not to exceed \$17,250.00; and it is further

ORDERED, that East River shall make an initial deposit in the SDPUC regulatory assessment fee fund in the amount of the minimum filing fee of \$8,000 and shall from time to time make such additional deposits up to the total amount of the assessment as requested by the Deputy Executive Director.

Dated at Pierre, South Dakota, this 5<sup>th</sup> day of April, 2004.

**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: Helaine Kalbs

Date: 4/6/04

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman

Gary Hanson  
GARY HANSON, Commissioner