

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

IN THE MATTER OF THE APPLICATION OF)	DECISION AND ORDER
EAST RIVER ELECTRIC POWER)	APPROVING STIPULATION
COOPERATIVE, INC. FOR A TRANSMISSION)	AND GRANTING A
UPGRADE TO THE SIOUX FALLS AREA 115)	TRANSMISSION UPGRADE
KV TRANSMISSION PROJECT)	EL04-009

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. Applications for party status were due by April 27, 2004. On March 19, 2004, the Commission received a Motion to Intervene from Xcel Energy, Inc. (Xcel). By order dated April 19, 2004, the Commission granted intervention to Xcel. No applications for party status were filed.

On March 23, 2004, at its regularly scheduled meeting, the Commission, pursuant to SDCL 49-41B-12, unanimously voted to assess East River the minimum filing fee as requested by the Deputy Executive Director. On April 12, 2004, the Commission held a public input meeting.

On June 8, 2004, at a regularly scheduled meeting, Commission Staff 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 East River's application for a transmission upgrade, subject to the terms and conditions listed in the Stipulation.

The Commission has 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. It is therefore

ORDERED, that the Stipulation entered into between East River, Commission Staff and Xcel on June 7, 2004, 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 East River is granted approval to upgrade its transmission line, subject to the terms and conditions listed in the Stipulation.

Dated at Pierre, South Dakota, this 11th day of June, 2004.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>Delaine Kalbo</i></u></p> <p>Date: <u>6/14/04</u></p> <p style="text-align: center;">(OFFICIAL SEAL)</p>
--

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner