

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

<b>IN THE MATTER OF THE APPLICATION BY )</b>	<b>ORDER ASSESSING FILING</b>
<b>OTTER TAIL POWER COMPANY ON BEHALF )</b>	<b>FEE</b>
<b>OF BIG STONE II CO-OWNERS FOR AN )</b>	
<b>ENERGY CONVERSION FACILITY PERMIT )</b>	<b>EL05-022</b>
<b>FOR THE CONSTRUCTION OF THE BIG )</b>	
<b>STONE II PROJECT )</b>	

On July 21, 2005, Otter Tail Power Company (Otter Tail) on behalf of the Project Co-Owners, Central Minnesota Municipal Power Agency, Great River Energy, Heartland Consumers Power District, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Otter Tail Corporation d/b/a Otter Tail Power Company, Southern Minnesota Municipal Power Agency and Western Minnesota Municipal Power Agency submitted to the Public Utilities Commission (Commission) an application for a permit for an energy conversion facility. The proposed energy conversion facility is a nominal 600 MW coal-fired electric generating facility and associated facilities, which the Project co-owners have named Big Stone II, to be located on an industrial site adjacent to the existing Big Stone Plant Unit I in Grant County, South Dakota. The proposed site is located East of Milbank and Northwest of Big Stone City, in Grant County, South Dakota.

On July 28, 2005, the Commission electronically transmitted notice of the filing to interested individuals and entities, however, it did not include an intervention date. On August 5, 2005, the Commission electronically transmitted an amended notice which included an intervention deadline of September 18, 2005. The correct intervention deadline is September 19, 2005.

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 and may not exceed one-twentieth of one percent of all additional estimated construction costs of the facility. However, the minimum total fee chargeable may not be less than eight thousand dollars. The estimated construction cost of the project is one billion dollars, and the maximum fee amount is therefore \$700,000. 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 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-6, 49-41B-7, 49-41B-8, 49-41B-9, 49-41B-10, 49-41B-11, 49-41B-12, 49-41B-13, 49-41B-14, 49-41B-15, 49-41B-16, 49-41B-17, 49-41B-17.1, 49-41B-19, 49-41B-20, 49-41B-21, 49-41B-22, 49-41B-24, 49-41B-26, 49-41B-33, 49-41B-35, 49-41B-36, 49-41B-38, and ARSD Chapter 20:10:22.

On August 9, 2005, at its regularly scheduled meeting, the Commission, pursuant to SDCL 49-41B-12, unanimously voted to assess Otter Tail a filing fee not to exceed \$700,000, with an initial deposit of \$8,000, the minimum fee allowed by law as requested by the Deputy Executive Director. At the meeting, both Otter Tail and Staff stated that Otter Tail had already paid the \$8,000 minimum fee. It is therefore

ORDERED, that Otter Tail shall be assessed a filing fee of not to exceed \$700,000; and it is further

ORDERED, that Otter Tail shall make an initial deposit in the SDPUC regulatory assessment fee fund in the amount of the minimum filing fee of \$8,000, which the Commission acknowledges has already been paid, 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 18<sup>th</sup> day of August, 2005.

<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>8/18/05</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson  
GARY HANSON, Chairman

Robert K. Sahr  
ROBERT K. SAHR, Commissioner

Dustin M. Johnson  
DUSTIN M. JOHNSON, Commissioner *dk*