

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

IN THE MATTER OF THE APPLICATION BY)	ORDER ASSESSING FILING
OTTER TAIL POWER COMPANY ON BEHALF)	FEE
OF SEVEN REGIONAL UTILITIES FOR A)	
PERMIT TO CONSTRUCT 5.45 MILES OF 230)	EL06-002
KV TRANSMISSION LINE, 33 MILES OF 345)	
KV TRANSMISSION LINE, THE BIG STONE)	
345 KV SUBSTATION AND MODIFICATION OF)	
THE BIG STONE 230 KV SUBSTATION)	

On January 17, 2006, Otter Tail Power Company on behalf of seven regional utilities (Applicants) - Otter Tail Power Company, Central Minnesota Municipal Power Agency, Great River Energy, Heartland Consumers Power District, Montana-Dakota Utilities Co., Southern Minnesota Municipal Power Agency, and Western Minnesota Municipal Power Agency (as represented by Missouri River Energy Services) filed an application for a permit to construct transmission lines and associated facilities in Grant and Deuel Counties in South Dakota. The applicants seek a Construction Permit designating a route and authorizing construction of three new transmission lines in South Dakota. Two lines would be constructed to 230 kV standards and would run from the Big Stone 230 kV Substation to a new Big Stone 345 kV Substation, with one 230 kV line continuing on to the Morris Substation near Morris, Minnesota, a distance of approximately 48 miles. Approximately 5.45 miles of new 230 kV line would be built in South Dakota. The third line would be constructed for future 345 kV operation but initially be operated at 230 kV and would run from the new Big Stone 345 kV Substation to the Granite Falls Substation in Granite Falls, Minnesota, a distance of approximately 90 miles, 33 miles of which are in South Dakota. In addition, modification of the existing Big Stone 230 kV Substation and existing transmission facilities and construction of a new Big Stone 345 kV Substation will also be required as part of the project.

On January 19, 2006, the Commission electronically transmitted notice of the filing and the intervention deadline of March 20, 2006, 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 January 31, 2006, at its regularly scheduled meeting, the Commission, pursuant to SDCL 49-41B-12, unanimously voted to assess Applicants a filing fee not to exceed \$102,500, with an initial deposit of \$8,000, the minimum fee allowed by law and to make such additional deposits as requested by the Executive Director. At the meeting, Staff stated that Applicants had already paid the \$8,000 minimum fee. It is therefore

ORDERED, that Applicants shall be assessed a filing fee not to exceed \$102,500; and it is further

ORDERED, that Applicants 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 Executive Director.

Dated at Pierre, South Dakota, this 10th day of February, 2006.

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>Tina Douglas</u>
Date: <u>2-10-06</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner

Gary Hanson
GARY HANSON, Commissioner