

**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 AND APPROVING A</b>
<b>COOPERATIVE, INC. FOR A PERMIT TO )</b>	<b>METHOD OF NOTICE TO</b>
<b>CONSTRUCT 9.5 MILES OF 115 KV )</b>	<b>LANDOWNERS</b>
<b>TRANSMISSION LINE IN LINCOLN AND )</b>	
<b>TURNER COUNTIES )</b>	<b>EL08-016</b>

On June 12, 2008, East River Electric Power Cooperative, Inc. (East River) submitted an application for a Construction Permit to build a 9.5 mile 115 kV transmission line between the Virgil Fodness High Voltage Substation located south of Tea in Lincoln County and the Chancellor Substation located east of Chancellor in Turner County. The line is needed to serve the expansion of an ethanol plant served by East River's member system, Southeastern Electric Cooperative, Inc., as well as other loads which continue to grow in Turner and Lincoln Counties.

On June 19, 2008, the Commission electronically transmitted notice of the filing and the intervention deadline of August 11, 2008, 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 June 24, 2008, at its regularly scheduled meeting, the Commission, pursuant to SDCL 49-41B-12, unanimously voted to assess East River a filing fee of \$8,000, the minimum fee allowed by law.

The Commission considered the notification process for notifying landowners involved in this project. The Commission unanimously voted to approve the notification process that was proposed by Staff, finding that such procedure is sufficient to satisfy the notice requirement of SDCL 49-41B-15(3) and is prudent given the notice time constraints. Under this process, East River will obtain the lists of landowners of properties within one-half mile of the facility from the county director of equalization offices for Lincoln and Turner Counties. East River will submit this list to the Commission. The Commission will then send the Notice of Hearing to all landowners on the list. The Notice shall state that notice is being given to the landowner to whom notices of property tax assessments are sent and that it is the responsibility of the landowner receiving the notice to notify any co-owners of the property. It is therefore

ORDERED, that East River shall be assessed a filing fee not to exceed \$8,000. It is further

ORDERED, that the notification process for notifying landowners involved in this project as described above is hereby approved.

Dated at Pierre, South Dakota, this 2nd day of July, 2008.

<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, electronically.
By: <u>          Belaine Kolbo          </u>
Date: <u>          7/2/08          </u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

          Steve Kolbeck            
STEVE KOLBECK, Commissioner

          Dustin M. Johnson            
DUSTIN M. JOHNSON, Commissioner