



Commission. Applications for party status must be received by the Commission on or before October 13, 2009, unless the deadline is extended by the Commission.

Following the public input hearing, the Commission may schedule a formal evidentiary hearing conforming to SDCL Chapter 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, present evidence and cross-examine the other parties' witnesses and exercise all other rights afforded by SDCL Chapters 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, Basin must show that the proposed facility 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. Based upon these factors, 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.

The parties will have the right to appeal the final decision in this case to the appropriate Circuit Court by serving and filing a notice of appeal of the decision in accordance with SDCL 1-26-31, within thirty (30) days after the date of service of the notice of entry of decision in this case.

It is therefore

ORDERED, that pursuant to SDCL 49-41B-17.1, a party may receive all material filed in this matter by making a specific request to the Commission for personal service of the material. Absent such a specific request, the County Auditor for the previously listed counties is the designated agent for service of process upon all other parties to this proceeding; and it is

FURTHER ORDERED, that the Commission shall hold a public input hearing on the Application on Wednesday, September 30, 2009 at 6:00 P.M. at the McKnight Community Center, 300 W. Main St., White, SD; and it is

FURTHER ORDERED, pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, applications for party status shall be filed with the Commission on or before October 13, 2009, except as the Commission shall otherwise order.

Pursuant to the Americans with Disabilities Act, these hearing are 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. The Commission's contact information is: ph (800) 332-1782; fax (866) 757-6031; [www.puc.sd.gov](http://www.puc.sd.gov); 500 E. Capitol Ave., Pierre, SD 57501.

Dated at Pierre, South Dakota, this 15<sup>th</sup> day of September, 2009.

**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, electronically.

By:           Allaine Kolbo          

Date:           9/16/09          

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

          Dustin M. Johnson            
DUSTIN M. JOHNSON, Chairman

          Steve Kolbeck            
STEVE KOLBECK, Commissioner

          Gary Hanson            
GARY HANSON, Commissioner