

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

**IN THE MATTER OF THE APPLICATION OF)
NORTHERN STATES POWER COMPANY DBA)
XCEL ENERGY AND OTTER TAIL POWER)
COMPANY FOR A PERMIT TO CONSTRUCT)
THE BIG STONE SOUTH TO BROOKINGS)
COUNTY 345 KV TRANSMISSION LINE)**

**ORDER GRANTING MOTION FOR)
APPROVAL OF SETTLEMENT)
STIPULATION AND GRANTING)
PERMIT TO CONSTRUCT)
FACILITIES)**

EL13-020

On June 3, 2013, Northern States Power Company, a Minnesota Corporation d/b/a Xcel Energy (Xcel) and Otter Tail Power Company (Otter Tail) (Applicants) jointly filed with the South Dakota Public Utilities Commission (Commission) an Application to the South Dakota Public Utilities Commission for a Facility Permit for the Big Stone South to Brookings County 345 kV Transmission Line Project (Application). The Application requests Commission approval of a permit to construct the southern portion of the Big Stone South to Brookings County Substation transmission line in Deuel and Brookings Counties and make modifications to the existing Brookings County Substation (Project). On June 5, 2013, the Commission issued a Notice of Application; Order for and Notice of Public Input Hearing; Notice of Opportunity to Apply for Party Status (Notice) setting the matter for public hearing on Wednesday, July 31, 2013, at 6:30 p.m. CDT in Brookings. On June 6, 2013, the Commission electronically transmitted notice of the filing and the intervention deadline of August 2, 2013, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv.

On June 18, 2013, Applicants filed a Proof of Service and list of landowners documenting Applicants' service by certified mail on all landowners within one-half mile of the Project as required by SDCL 49-41B-5.2. Notices of the public hearing were published in the Brookings Register, Brookings Town & Country Shopper, Clear Lake Courier, and White Tri-City Star. On July 3, 2013, the Commission issued an Order Assessing Filing Fee assessing a fee up to the statutory limit of \$254,360 to defray Commission expenses with a minimum fee of \$8,000 as provided by law. The public hearing was duly held as scheduled on July 31, 2013. On July 31, 2013, Brookings County and Basin Electric Power Cooperative (Basin) filed Applications for Party Status. On August 5, 2013, Dakota Rural Action (DRA) filed an Application for Party Status dated August 1, 2013. On August 13, 2013, the Commission granted party status to Brookings County, Basin, and DRA. On February 7, 2014, Applicants filed a Motion for Approval of Settlement Stipulation and Settlement Stipulation. On February 10, 2014, DRA filed its signed signature page for the Settlement Stipulation

The Commission has jurisdiction over this matter pursuant to SDCL 1-26-20, Chapter 49-41B, particularly 49-41B-1, 49-41B-4, 49-41B-22, and 49-41B-24, and ARSD 20:10:01:19 and Chapter 20:10:22.

At its regularly scheduled meeting on February 18, 2014, the Commission considered this matter. The Commission heard from Xcel, Otter Tail, and the Commission's staff (Staff) concerning the proposed Settlement Stipulation. After inquiry of Applicants and Staff, Commissioner Nelson recommended adding the email address of Applicants' contact person to Paragraph III.4.e). Applicants and Staff did not object to such suggestion. Finding, after

thorough review of the record, including the Application and follow-on filings, the numerous responses to Staff data requests, the testimony offered at the public hearing by Applicants and the public, and the discussion with Applicants at the Commission meeting, that the terms and conditions proposed in the Settlement Stipulation are just, reasonable, and in the public interest with the change proposed by Commissioner Nelson and that good and sufficient cause was demonstrated to approve the Settlement Stipulation, the Commission voted unanimously to grant the Motion for Approval of Settlement Stipulation, approve the Settlement Stipulation, and approve a permit to construct the Project, subject to the condition that Paragraph III.4.e) be amended to include the email address of Applicants' contact person in addition to name and phone number. It is therefore

ORDERED, that the Settlement Stipulation entered into between Applicants, Staff, Basin, Brookings County, and DRA and filed with the Commission on February 7, 2014, is approved, subject to the condition that Paragraph III.4.e) be amended to include the email address of Applicants' contact person in addition to name and phone number. As so modified, the Settlement Stipulation is approved and is incorporated by reference into this Decision and Order the same as if it had been set forth in its entirety herein. It is further

ORDERED, that Applicant is granted a permit to construct the southern portion of the Big Stone South to Brookings County Substation 345 kV transmission line in Deuel and Brookings Counties and make modifications to the existing Brookings County Substation subject to the terms and conditions set forth in the Settlement Stipulation with the addition set forth in this Order.

Dated at Pierre, South Dakota, this 20th day of February, 2014.

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:	<u>Joy Lashley</u>
Date:	<u>2-20-14</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner