

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

**IN THE MATTER OF THE APPLICATION OF )  
BLACK HILLS POWER, INC. FOR A PERMIT )  
TO CONSTRUCT A 230 KV TRANSMISSION )  
LINE FROM NORTHEASTERN WYOMING TO )  
THE RAPID CITY AREA IN SOUTH DAKOTA )**

**ORDER DENYING MOTION  
REQUESTING CONTINUANCE  
OR DENIAL OF APPLICATION**

**EL14-061**

On June 30, 2014, Black Hills Power, Inc. (Black Hills or Applicant), a South Dakota corporation, filed with the South Dakota Public Utilities Commission (Commission) an Application of Black Hills Power, Inc. for a 230-kV Transmission Line and Associated Substation Modification Facility Permit (Application). ~~The Application requests Commission approval of a~~ permit to construct the South Dakota portion of an approximately 144-mile long 230-kilovolt (kV) transmission line to connect the Teckla Substation in Campbell County, Wyoming to the Osage Substation in Weston County, Wyoming and the Lange Substation in Pennington County, South Dakota near Rapid City. The South Dakota portion of the project (Project) consists of approximately 45.4 miles of 230-kV transmission line from the South Dakota/Wyoming border in Pennington County to the Lange Substation near Rapid City and modifications to the Lange Substation to accommodate the new transmission facility.

On July 2, 2014, a Notice of Application; Order for and Notice of Public Hearing; Notice of Opportunity to Apply for Party Status (Notice) was served by the Commission by mail on the Pennington County Commission and the Rapid City Council and Mayor and electronically on the Pennington County Auditor. On July 2, 2014, the Application was filed by Black Hills on behalf of the Commission with the Pennington County Auditor as required by SDCL 49-41B-15. On July 3, 2014, the Commission electronically transmitted notice of the Application and the intervention deadline of August 29, 2014, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On July 14, 2014, Black Hills served the Notice on all landowners within one-half mile of the Project as required by SDCL 49-41B-5.2 plus other landowners living within an additional five hundred feet beyond one-half mile. TR 11.

On August 25, 2014, the Commission held a public input hearing in Rapid City, SD. On September 4, 2014, the Commission issued an Order Granting Party Status and Intervention to Ruby B. Matejcek, Victoria Leonard, GCC Dacotah, Inc., Michael Lewis, Stephen Vadney, Dave Riemenschneider, Barbara Anderson Lewis, and Robert Varilek/AW LLC. On September 18, 2014, the Commission issued an Order Granting Party Status and Intervention to Barton Banks and James S. Hodgens (Mr. Hodgens). On October 7, 2014, the Commission issued an Order for and Notice of Hearing setting the matter for hearing at 9:00 a.m. CST on November 6, 2014. During the course of the docket, Mr. Hodgens filed numerous comments with the Commission.

Late in the afternoon on November 5, 2014, Mr. Hodgens filed a Motion Requesting Continuance or Denial of Application (Motion). His stated grounds for continuance were that he had not had time to obtain legal counsel and that since Black Hills had made a number of minor route changes to the Project since filing the Application in an effort to accommodate landowner concerns and preferences, the Application should be denied or continued and Black Hills should be required to file a new application. The evidentiary hearing was held as scheduled and noticed on November 6, 2014, commencing at 9:00 a.m. Black Hills appeared and presented

testimony and introduced the exhibits on its Amended Exhibit List with no objection to the admission of such Exhibits from any party. Staff appeared but did not present any evidence. Neither Mr. Hodgens nor any other intervenor appeared at the hearing.

Prior to commencing the evidentiary hearing on November 6, 2014, the Commission took Mr. Hodgens' Motion up for consideration. The Commission heard argument from Black Hills and Commission Staff. Finding that the Motion was unacceptably late-filed, that Mr. Hodgens had had ample time to obtain legal counsel, that SDCL 49-41B-25 requires that the Commission issue a decision within six months after the Application is filed and no provision of law affords the Commission authority to continue a proceeding beyond such required decision date, and that Black Hills's route changes were not significant enough to bring additional landowners to whom Black Hills had not already given notice within the half-mile required notice area as set forth in SDCL 49-41B-5.2, that minor route changes following filing are typical in siting cases due to the necessity of obtaining easements and the desire to accommodate landowner preferences to the extent possible, and that the Commission had indicated at the public input hearing that refining the route where possible to accommodate landowner interests and preferences is an objective favored by the Commission and in the public interest, the Commission voted unanimously to deny the Motion. It is therefore

ORDERED, that intervenor James S. Hodgens' Motion Requesting Continuance or Denial of Application is denied.

Dated at Pierre, South Dakota, this 18th day of December, 2014.

<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>Joy Lashley</u>
Date:	<u>12.18.14</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson  
GARY HANSON, Chairman

Chris Nelson  
CHRIS NELSON, Commissioner

Kristie Fiegen  
KRISTIE FIEGEN, Commissioner