

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

**IN THE MATTER OF THE APPLICATION)
OF MONTANA-DAKOTA UTILITIES CO.)
AND OTTER TAIL POWER COMPANY)
FOR A PERMIT TO CONSTRUCT THE)
BIG STONE SOUTH TO ELLENDALE 345)
KV TRANSMISSION LINE)**

**ORDER ASSESSING
FILING FEE

EL13-028**

On August 23, 2013, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., a Delaware corporation, and Otter Tail Power Company, a Minnesota corporation, (jointly, the Applicants) filed with the South Dakota Public Utilities Commission (Commission) an Application for a Facility Permit for the Big Stone South to Ellendale 345 kV Transmission Line project (Application) and a Motion to Schedule Prehearing Conference (Motion). The Application requests approval of a permit to construct a 345-kilovolt (kV) transmission line of approximately 150 to 160 miles in South Dakota (Project). The line will cross the South Dakota and North Dakota border in Brown County, South Dakota, and extend south and east through Brown, Day, and Grant counties to the Big Stone South Substation in Grant County, South Dakota, near Big Stone City. Modifications to the Project may occur depending on the final route permitted, land rights, and final engineering design.

On August 26, 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). On August 29, 2013, the Commission electronically transmitted notice of the filing and the intervention deadline of October 22, 2013, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On September 13, 2013, the notice was served on the governing bodies of all counties and municipalities in the Project area. At this time, no petitions to intervene have been filed, and three comments have been filed.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-1A, and 49-41B, specifically 49-41B-12, and ARSD Chapter 20:10:22. 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, plus one-twentieth of one percent of the estimated construction costs in excess of one hundred million dollars. The fee shall be deposited in the Commission's regulatory assessment fee fund to defray Commission expenses incident to analyzing and ruling upon this type of filing.

At its regularly scheduled meeting on September 10, 2013, the Commission considered this matter. Commission staff recommended a filing fee up to the statutory limit of three hundred sixty thousand dollars (\$360,000) with an initial deposit of eight thousand dollars (\$8,000) 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 and satisfy the minimum fee requirement. Applicants requested that each Applicant be assessed and billed at fifty percent of the costs. The Commission unanimously voted to assess Applicants a filing fee not to exceed the statutory limit of \$360,000, with an initial deposit of the \$8,000 minimum fee required by law, in the Commission's regulatory assessment fee fund.

It is therefore

ORDERED, that Applicants shall be assessed a filing fee up to the statutory limit of \$360,000. It is further

ORDERED, that Applicants shall make an initial deposit in the Commission's regulatory assessment fee fund in the amount of the minimum filing fee of \$8,000 and shall from time to time make such additional deposits up to the total amount of the assessment as requested by the Executive Director or the Commission's Finance Officer, with each Applicant assessed at fifty percent of the costs.

Dated at Pierre, South Dakota, this 13th day of September, 2013

<p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>Joy Lashley</u></p> <p>Date: <u>9.13.13</u></p> <p>(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner