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

IN THE MATTER OF THE COMPLAINT FILED BY)
MARVIN BUEHNER, M.D., OF RAPID CITY, SOUTH)
DAKOTA, AGAINST BLACK HILLS POWER &)
LIGHT.)

ORDER DISMISSING
COMPLAINT

EL95-009

On May 8, 1995, the South Dakota Public Utilities Commission (Commission) received a complaint from Marvin Buehner, M.D., of Rapid City, South Dakota, alleging that Black Hills Power & Light Company (BHPL), in a meeting with affected homeowners concerning its plans to upgrade an existing power line, failed to "adequately address the potential health and safety issues regarding the high voltage lines in residential areas, alternative option considerations, and most importantly the proper course of public disclosure of the plans by a large publicly supported corporation to place structures that affect the aesthetics, property value, and possibly the safety of an established neighborhood." Complainant submitted as part of his complaint a petition signed by an additional 11 residents which indicated that these residents supported "an immediate halt to plans for construction of high voltage power lines by the Black Hills Power and Light Company at the periphery of our neighborhood until safety and aesthetic issues have been addressed in a public forum." For relief, Dr. Buehner requested the following "a delay in the initiation of construction until the citizens of Rapid City have had the opportunity to review the plans, consider alternatives, and express their views in a public forum."

On May 16, 1995, BHPL conducted a public meeting attended by Commission Staff and affected residents. During this meeting, BHPL explained its plans to upgrade its transmission/distribution line and residents expressed their concerns about the plan.

Pursuant to SDCL 49-34A-4 and ARSD 20:10:01:08:01, 20:10:01:09, 20:10:01:10, and 20:10:01:11:01, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint and serve it upon respondent BHPL.

On May 30, 1995, at its regularly scheduled meeting, the Commission considered the complaint. Dr. Buehner, Peter Ragnone (another homeowner), and Tom Fritz (attorney for Pat Hall, homeowner) explained the nature of their complaint. Ted Massey, representative of BHPL, presented the position of BHPL. Mr. Massey explained that BHPL currently has a 12,400 volts existing electric line. BHPL will construct a 69,000 volts electric line with a 12,400 volts under built electric line to replace the existing 12,400 volts electric line. Pursuant to SDCL 49-41B-2.1 the Commission only has specific siting authority over an electric transmission line with a design of 115,000 volts or more. Steve Wegman of Commission Staff explained the effects of EMF and the standards within the electrical industry.

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The Commission finds that the procedure followed by BHPL in upgrading its transmission/distribution lines and its public disclosure to the public did not constitute an unlawful or unreasonable act, rate, practice, or omission. As the Commission's final decision in this matter, it is therefore.

ORDERED that the complaint is dismissed, and it is

FURTHER ORDERED that the docket is closed

Dated at Pierre, South Dakota, this 29th day of June, 1995

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| 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, by facsimile or by first class mail, in properly addressed envelopes with charges prepaid thereon |
| By <u>Jerry Hornum</u> _____ |
| Date <u>June 29, 1995</u> _____ |
| _____ |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

Kenneth Stofferahn
KENNETH STOFFERAHN, Chairman

James A. Burg
JAMES A. BURG, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner