

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

**IN THE MATTER OF THE APPLICATION OF XCEL ENERGY FOR A  
CONSTRUCTION PERMIT TO BUILD 9.6 MILES OF THE SPLIT ROCK TO  
LAKEFIELD JUNCTION 345 KV TRANSMISSION LINE AND ADD FACILITIES  
TO THE SPLIT ROCK SUBSTATION  
DOCKET NO. EL05-023**

**STAFF'S EIGHTH DATA REQUEST  
MARCH 6, 2008**

- 8.1 Is structure 35 currently in a location different from that approved by the Commission in the above-captioned matter?
- 8.2 If yes, when was the decision made to move structure 35?
- 8.3 Who approved moving structure 35?
- 8.4 When was the landowner (Robert and Sandy Johnson) notified that structure 35 was to be moved?
- 8.5 When was structure 35 placed in the ground?
- 8.6 Pursuant to the Terms and Conditions in the Stipulation Xcel agreed to the following:
  2. If it becomes necessary to deviate from the described centerline to accommodate engineering and applicable safety and construction requirements based upon actual conditions encountered during construction, all landowners affected by the deviation and the Commission must be notified in writing five working days before the deviation may occur. The Commission must approve all deviations from the Project.
  3. In order to ensure compliance with the terms and conditions of this permit pursuant to SDCL 49-41B-33, it is necessary for the enforcement of this Order that all employees, contractors and agents of the Applicant, to the extent of its interest, involved in this Project be made aware of the terms and conditions of this permit.
  4. The Applicant shall ensure that its employees, contractors and agents involved in ROW negotiations and acquisitions, ROW clearing, line construction and ROW and line maintenance understand fully and comply with the terms and conditions of this permit.

Please explain why the Terms and Conditions were not complied with in a timely manner.