

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

IN THE MATTER OF THE ONE-TIME SPECIAL )	<u>AMENDED ORDER FOR</u>
UNDERGROUND ASSESSMENT BY )	AND NOTICE OF HEARING
NORTHERN STATES POWER COMPANY IN )	
SIoux FALLS, SOUTH DAKOTA )	EL99-019

Sioux Falls ordinances require Northern States Power Company (NSP) to relocate overhead facilities in the downtown Sioux Falls area to underground whenever the streets are resurfaced. Certain streets in downtown Sioux Falls were resurfaced in 1999. The NSP Tariff provides that NSP will comply with lawful orders of a municipality and that NSP will charge the cost of the project to the benefitted customers. South Dakota Electric Rate Book, Section No. 6, Original Sheet No. 29, Section 5.5 (effective 12-16-96). NSP determined that the benefitted customers in this matter were NSP's Sioux Falls customers. NSP determined that the breakdown of the cost of this project to the individual customers will be approximately \$2.00/household and will be placed on the November 1999 bills.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-34A, specifically 49-34A-2, 49-34A-3, 49-34A-4, 49-34A-6, 49-34A-8, 49-34A-11, 49-34A-26, and 49-34A-27. On November 1, 1999, at a regularly scheduled meeting, the Commission voted to open a docket to determine the definition of "benefitted customer" in this matter (Commissioner Laska Schoenfelder dissenting).

At its December 28, 1999, meeting, the Commission considered how to proceed with this matter. After listening to comments, the Commission voted to hold a hearing to determine whether NSP correctly determined who are the benefitted customers.

A hearing shall be held on January ~~28~~27, 2000, beginning at ~~8:30~~7:00 o'clock ~~A.M.~~P.M., CST, in the Minnehaha County Commission Meeting Room, located on the second floor of the County Administration Building, 415 N. Dakota, Sioux Falls, South Dakota. All persons testifying will be subject to cross-examination by the parties.

The issue at the hearing is whether NSP correctly determined who are the benefitted customers.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing,

the Commission shall determine whether NSP correctly determined who are the benefitted customers. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issue of whether NSP correctly determined who are the benefitted customers.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 18<sup>th</sup> day of January, 2000.

<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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>William Kaabo</u>
Date:	<u>1/18/00</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg  
JAMES A. BURG, Chairman

Pam Nelson  
PAM NELSON, Commissioner

Laska Schoenfelder  
LASKA SCHOENFELDER, Commissioner