

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

IN THE MATTER OF THE APPLICATION OF)	DECISION AND ORDER
EAST RIVER ELECTRIC POWER)	APPROVING STIPULATION
COOPERATIVE, INC. FOR A PERMIT TO)	AND GRANTING PERMIT TO
CONSTRUCT 9.5 MILES OF 115 KV)	CONSTRUCT
TRANSMISSION LINE IN LINCOLN AND)	TRANSMISSION FACILITIES
TURNER COUNTIES)	EL08-016

On June 12, 2008, East River Electric Power Cooperative, Inc. (East River) submitted an application for a Construction Permit to build a 9.5 mile 115 kV transmission line between the Virgil Fodness High Voltage Substation located south of Tea in Lincoln County and the Chancellor Substation located east of Chancellor in Turner County. The line is needed to serve the expansion of an ethanol plant served by East River's member system, Southeastern Electric Cooperative, Inc., as well as other loads which continue to grow in Turner and Lincoln Counties.

On June 19, 2008, the Commission electronically transmitted notice of the filing to interested individuals and entities. Applications for Party Status were due by August 11, 2008. No Applications for Party Status were received. A public input hearing was held as scheduled on August 7, 2008, in Chancellor, South Dakota. On September 19, 2008, the Commission received a Stipulation entered into by East River and Commission Staff.

At its September 23, 2008, meeting, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B, specifically 49-41B-1, 49-41B-2, 49-41B-2.1, 49-41B-4, 49-41B-11, 49-41B-12, 49-41B-13, 49-41B-15, 49-41B-16, 49-41B-17, 49-41B-17.1, 49-41B-21, 49-41B-22, 49-41B-25, 49-41B-26, 49-41B-33, 49-41B-38, and ARSD Chapter 20:10:22. The Commission voted to approve the Stipulation and accept the Findings of Fact, Conclusions of Law, and Terms and Conditions. By approving the Stipulation, the Commission grants East River's application for a permit to construct transmission facilities, subject to the Findings of Fact, Conclusions of Law, and Terms and Conditions listed in the Stipulation.

It is therefore

ORDERED, that the Stipulation entered into by East River and Commission Staff on September 19, 2008, shall be approved and shall be incorporated by reference into this Decision and Order the same as if it had been set forth in its entirety herein; and it is

FURTHER ORDERED, that East River is granted a permit to construct the transmission facilities, subject to the Findings of Fact, Conclusions of Law, and Terms and Conditions listed in the Stipulation.

Dated at Pierre, South Dakota, this 3rd day of October, 2008.

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, electronically.

By: Delaine Koelbo

Date: 10/3/08

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner