

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

<b>IN THE MATTER OF THE FILING BY BASIN )</b>	<b>ORDER GRANTING</b>
<b>ELECTRIC POWER COOPERATIVE, INC. )</b>	<b>WAIVER; ORDER</b>
<b>REGARDING ITS NOTIFICATION OF INTENT )</b>	<b>DESIGNATING AFFECTED</b>
<b>TO APPLY FOR A PERMIT FOR AN ENERGY )</b>	<b>AREA AND LOCAL REVIEW</b>
<b>CONVERSION FACILITY )</b>	<b>COMMITTEE</b>
<b>)</b>	<b>EL08-034</b>

On December 23, 2008, the Public Utilities Commission (Commission) received a notification of intent to submit an application for a permit for an energy conversion facility from Basin Electric Power Cooperative, Inc. (Basin Electric). The proposed facility is a 300-MW combined cycle energy conversion facility and associated linear facilities (i.e., electric transmission lines, water pipeline and gas pipeline) near White, South Dakota, referred to as the Deer Creek Station Project. The proposed site is located in the NE ¼ of Section 25, Township 111N, Range 48 W, Brookings County, South Dakota, approximately seven miles to the southeast of White, South Dakota, or 20 miles east of Brookings. The energy conversion facility would be located on a greenfield (i.e., undeveloped) site of approximately 40 acres within a 100-acre plant site. One 345-kilovolt (kV) transmission line segment would be constructed to interconnect the energy conversion facility to the existing 115/345-kV Western White Substation immediately adjacent to the site. The Plant site is proposed to be located approximately 12 miles south of the Northern Border Pipeline (NBPL), thereby ensuring a reliable fuel source is in the vicinity. The natural gas to be used for the combined cycle electricity generation would be sourced from the NBPL by a pipeline estimated to be 10 inches in diameter. Basin Electric estimates the cost for this project at four hundred five million dollars. On January 14, 2009, the Commission received a request to waive the 30-day requirement for designation of the affected area and the local review committee from Basin Electric. The request was made to accommodate the date for consideration of these matters to the Commission's regular meeting schedule.

Under SDCL 49-41B-6, the Commission is required to designate the affected area relative to this filing and also to designate a local review committee within thirty days after the filing of the notification of intent. According to SDCL 49-41B-2(8), the term "siting area" is defined as "that area within ten miles in any direction of a proposed energy conversion facility or which is determined by the commission to be affected by a proposed energy conversion facility." In ARSD 20:10:22:01(1), "affected area" is defined as "that area which may be affected environmentally, socially, aesthetically, or economically by the location of a facility at a proposed site."

Under SDCL 49-41B-6, the Commission shall also designate the local review committee which shall be composed of the following:

- (1) The chair of the tribal council of each affected reservation;
- (2) The president of the board of education of each affected school district;

- (3) The chair of the county commissioners of each affected county;
- (4) The mayor of each affected municipality; and
- (5) A representative of the applicant utility designated by the utilities.

The Commission has jurisdiction over this matter pursuant to SDCL 49-41B, specifically SDCL 49-41B-6 and ARSD 20:10:22:01 and 20:10:22:02.

At its January 27, 2009, Commission meeting, the Commission considered the request for waiver of the 30-day requirement of designation of the affected area and the local review committee and discussed the designation of the affected area and the local review committee. The Commission unanimously voted to grant the request for waiver of the 30-day requirement of designation of the affected area and the local review committee.

After discussion, the Commission determined that the affected area for Basin Electric's proposed Deer Creek Station Project is an area within 12 miles of the site of the proposed facility located entirely within Brookings and Deuel Counties, Brookings School District 05-1, Deubrook School District 05-6 and Elkton School District 05-3, and the cities of Astoria, Aurora, Brookings, Bushnell, Elkton and White. The affected area does not include any tribal lands. In accordance with SDCL 49-41B-6, the Commission designated the local review committee which shall be comprised of the following individuals, ex officio:

- (1) The Presidents of the Boards of Education of Brookings School District 05-1, Deubrook School District 05-6 and Elkton School District 05-3;
- (2) The Chairs of the Brookings and Deuel County Commissions;
- (3) The Mayors of the cities of Astoria, Aurora, Brookings, Bushnell, Elkton and White; and
- (4) A representative of Basin Electric Power Cooperative, Inc.

It is therefore

**ORDERED**, that the waiver of the 30-day requirement for designation of the affected area and the local review committee is hereby granted; and it is

**FURTHER ORDERED**, that the affected area for the purposes of this facility shall consist of an area within 12 miles of the site of the proposed facility located entirely within Brookings and Deuel Counties, Brookings School District 05-1, Deubrook School District 05-6 and Elkton School District 05-3, and the cities of Astoria, Aurora, Brookings, Bushnell, Elkton and White; and it is

**FURTHER ORDERED**, that the local review committee shall be comprised of the

above referenced individuals, serving ex officio, and that any person on the committee who ceases to hold such office or appointment shall be replaced on the committee by his or her successor, who shall promptly notify the Commission of such succession.

Dated at Pierre, South Dakota, this 5<sup>th</sup> day of February, 2009.

<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, electronically
By: <u>Ailaine Kolbo</u>
Date: <u>2/5/09</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson  
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck  
STEVE KOLBECK, Commissioner

Gary Hanson  
GARY HANSON, Commissioner