

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

<b>IN THE MATTER OF THE APPLICATION BY )</b>	
<b>BASIN ELECTRIC POWER COOPERATIVE, )</b>	
<b>INC. FOR AN ENERGY CONVERSION )</b>	<b>NOTICE OF APPLICATION;</b>
<b>FACILITY SITING PERMIT FOR THE DEER )</b>	<b>ORDER FOR AND NOTICE</b>
<b>CREEK STATION PROJECT COMBINED- )</b>	<b>OF PUBLIC INPUT</b>
<b>CYCLE NATURAL GAS ENERGY )</b>	<b>HEARING; AND NOTICE OF</b>
<b>CONVERSION FACILITY AND ASSOCIATED )</b>	<b>OPPORTUNITY TO APPLY</b>
<b>INFRASTRUCTURE, INCLUDING A WATER )</b>	<b>FOR PARTY STATUS</b>
<b>SUPPLY SYSTEM AND ELECTRIC )</b>	
<b>TRANSMISSION SYSTEM )</b>	<b>EL09-015</b>

On July 28, 2009, Basin filed an application (Application) with the Commission for an energy facility permit under SDCL Chapter 49-41B to construct the Deer Creek Station energy conversion facility (Docket EL09-015), a proposed 300-megawatt combined-cycle natural gas generation facility and associated water system and electric transmission facilities. Basin simultaneously filed an application for a permit to construct, own and operate a natural gas pipeline to support the Deer Creek facility (Docket HP09-002). The proposed 13.2 mile pipeline route will traverse about 18 sections of land located in Brookings and Deuel counties. The proposed pipeline would have a diameter of 10.75 inches and would operate at pressures ranging from 475 – 1,435 pounds per square inch gauge (psig). Construction is proposed to begin in July 2010, with generation start-up scheduled for June 2012.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B and ARSD Chapter 20:10:22.

**PLEASE TAKE NOTICE** that the Commission will hold a public hearing in accordance with SDCL 49-41B-15 and 49-41B-16 on Basin's Application on Wednesday, September 30, 2009 at 6:00 P.M. at the McKnight Community Center, 300 W. Main St., White, SD.

The purpose of the hearing will be to hear public comment regarding Basin's Application. At the public input hearing, Basin will present a brief description of the project, following which interested persons may appear and present their views, comments and questions regarding the Application. A copy of the application is on file in the Brookings and Deuel County Auditors' Offices pursuant to SDCL 49-41B-15(5). The Application is also on file in the Commission's office in the Capitol Building in Pierre, and the Application and all other documents in the case may be accessed on the Commission's web site at [www.puc.sd.gov](http://www.puc.sd.gov) under "Commission Actions," "Commission Dockets," "Electric Dockets," "2009 Electric Dockets," "EL09-015."

The parties to this proceeding are currently Basin and the Commission. Pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, each municipality, county, and governmental agency in the area where the facility is proposed to be sited; any non-profit organization, formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups, or to promote the orderly development of the area in which the facility is to be sited; or any interested person, may be granted party status in this proceeding by making written application to the Commission. Applications for party status will be available at the

public input hearing or may be obtained from the Commission's web site or by contacting the Commission. Applications for party status must be received by the Commission on or before October 13, 2009, unless the deadline is extended by the Commission.

Following the public input hearing, the Commission may schedule a formal evidentiary hearing conforming to SDCL Chapter 1-26 to consider any issues raised by any intervening party, Commission Staff or the Commission itself. At such formal hearing, all parties will have the opportunity to appear, present evidence and cross-examine the other parties' witnesses and exercise all other rights afforded by SDCL Chapters 1-26, 49-1 and 49-41B and ARSD 20:10:01 and 20:10:22. Absent a contested issue, the Commission will schedule the matter for decision at a regular or special meeting of the Commission.

For approval, Basin must show that the proposed facility will comply with all applicable laws and rules, will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area, will not substantially impair the health, safety or welfare of the inhabitants, and will not unduly interfere with the orderly development of the region with due consideration having been given to the views of governing bodies of affected local units of government. Based upon these factors, the Commission will decide whether the permit should be granted, denied or granted upon such terms, conditions or modifications of the construction, operation or maintenance as the Commission finds appropriate.

The parties will have the right to appeal the final decision in this case to the appropriate Circuit Court by serving and filing a notice of appeal of the decision in accordance with SDCL 1-26-31, within thirty (30) days after the date of service of the notice of entry of decision in this case.

It is therefore

ORDERED, that pursuant to SDCL 49-41B-17.1, a party may receive all material filed in this matter by making a specific request to the Commission for personal service of the material. Absent such a specific request, the Brookings and Deuel County Auditors are the designated agents for service of process upon all other parties to this proceeding; and it is

FURTHER ORDERED, that the Commission shall hold a public input hearing on the Application on Wednesday, September 30, 2009 at 6:00 P.M. at the McKnight Community Center, 300 W. Main St., White, SD; and it is

FURTHER ORDERED, that pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, applications for party status shall be filed with the Commission on or before October 13, 2009, except as the Commission shall otherwise order.

Pursuant to the Americans with Disabilities Act, these hearing are 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. The Commission's contact information is: ph (800) 332-1782; fax (866) 757-6031; www.puc.sd.gov; 500 E. Capitol Ave., Pierre, SD 57501.

Dated at Pierre, South Dakota, this 15<sup>th</sup> day of September, 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>          Melaine Kaebo          </u>
Date: <u>          9/16/09          </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