

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

**IN THE MATTER OF THE APPLICATION BY)
BASIN ELECTRIC POWER COOPERATIVE,)
INC. FOR AN ENERGY CONVERSION)
FACILITY SITING PERMIT FOR THE DEER)
CREEK STATION PROJECT COMBINED-)
CYCLE NATURAL GAS ENERGY)
CONVERSION FACILITY AND ASSOCIATED)
INFRASTRUCTURE, INCLUDING A WATER)
SUPPLY SYSTEM AND ELECTRIC)
TRANSMISSION SYSTEM)**

**ORDER GRANTING
INTERVENTION**

EL09-015

On July 28, 2009, Basin Electric Power Cooperative, Inc. (Basin) filed an application with the Public Utilities Commission (Commission) for an energy conversion facility permit for the Deer Creek Station project located 12 miles northeast of Brookings, South Dakota. The project consists of a 300 net megawatt combined-cycle natural gas conversion facility and associated 1.25 mile water pipeline and 0.75 mile electric transmission line. Construction of this \$393 million project is anticipated to begin in July 2010 with startup in June 2012. The project will help serve the increased generation demand for electric power in the eastern portion of Basin's service area. An associated siting application for a 13.2 mile natural gas pipeline for the project has been filed separately.

On July 30, 2009, the Commission electronically transmitted notice of the filing and the intervention deadline of September 28, 2009, to interested individuals and entities.

On August 11, 2009, at its regularly scheduled meeting, the Commission, pursuant to SDCL 49-41B-12, unanimously voted to assess Basin a filing fee not to exceed \$396,500, with an initial deposit of \$8,000, the minimum fee allowed by law as requested by the Deputy Executive Director.

On August 21, 2009, the Commission received a Motion for Extension of Notice, Public Hearing Time Frame and Application for Party Status from Basin. Commission Staff requested a waiver of SDCL 49-41B-15 and 49-41B-16. At its regularly scheduled meeting of August 25, 2009, the Commission voted unanimously to grant the Motion for Extension of Notice, Public Hearing Time Frame and Application for Party Status and to grant a waiver of SDCL 49-41B-15 and 49-41B-16. On August 31, 2009, the Commission received a Petition for Intervention from Iberdrola Renewables (Iberdrola).

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-6, 49-41B-7, 49-41B-8, 49-41B-9, 49-41B-10, 49-41B-11, 49-41B-12, 49-41B-13, 49-41B-14, 49-41B-15, 49-41B-16, 49-41B-17, 49-41B-17.1, 49-41B-19, 49-41B-20, 49-41B-21, 49-41B-22, 49-41B-24, 49-41B-26, 49-41B-33, 49-41B-35, 49-41B-36, 49-41B-38, and ARSD Chapter 20:10:22.

At its regularly scheduled meeting of September 8, 2009, the Commission found that the Petition to Intervene was timely filed and demonstrated good cause to grant intervention. The Commission granted intervention to Iberdrola.

It is therefore

ORDERED, that the Petition to Intervene of Iberdrola is hereby granted.

Dated at Pierre, South Dakota, this 15th day of September, 2009.

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 Kolbe

Date: 9/16/09

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner