

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

IN THE MATTER OF THE COMPLAINT BY)	
NORTHERN STATES POWER DBA XCEL)	ORDER FOR AND NOTICE
ENERGY AGAINST SOUTHEASTERN)	OF HEARING
ELECTRIC COOPERATIVE, INC. FOR A)	
VIOLATION OF THE SERVICE TERRITORY)	EL11-025
LAWS)	

On September 21, 2011, the South Dakota Public Utilities Commission (Commission) received a Complaint filed by Northern States Power dba Xcel Energy (Xcel) against Southeastern Electric Cooperative, Inc. (Southeastern). The Complaint alleges that Southeastern has violated the electric service territory statutes by extending service into Xcel's territory despite the Commission's Order Granting Approval of Electric Service Territory Boundary Changes in Docket EL09-021 (2009 Order), which approved a territorial exchange between Xcel and Southeastern. On October 3, 2011, the Commission received the Response of Southeastern Electric Cooperative, Inc., to Complaint of Xcel Energy (Response). In the Response, Southeastern asserts that the territory into which it has extended service, or at least facilities, is within the territory assigned to it by the 2009 Order. On October 7, 2011, Commission Counsel held a pre-hearing conference to discuss the procedural schedule for the case.

The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-42 through 49-34A-59 and, in particular, 49-34A-58 and 49-34A-59.

A hearing shall be held on Tuesday, December 6, 2011, commencing at 1:00 p.m. CST, in Room 414, State Capitol Building, 500 E. Capitol Ave., Pierre, SD, with exhibit marking to begin at 12:45 p.m. CST.

The issues at the hearing are: (i) whether the 2009 Order effected a change in the territorial boundary between Xcel and Southeastern in accordance with the agreement forming the basis of the 2009 Order; (ii) whether the territory into which Southeastern has extended service is within the boundary as established by the 2009 Order; (iii) whether a basis in fact and law has been established for Xcel to obtain relief from the 2009 Order; (iv) if a basis in fact and law has been established for Xcel to obtain relief from the 2009 Order, what relief is appropriate based on the facts established in the record and applicable law.

The hearing will 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 may be forfeited if not exercised at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, the final decision will be based solely on the testimony, evidence and argument provided, if any, during the hearing and on the filings in the record made by the parties to the proceeding at such time or a final decision may be issued by default pursuant to SDCL 1-26-20. After the

hearing, the Commission will consider all testimony and evidence 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 this hearing, the Commission will determine the issues as set forth in the preceding paragraph. 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 the hearing shall be held on Tuesday, December 9, 2011, at 1:00 p.m. CST in Room 414, State Capitol Building, 500 E. Capitol Ave., Pierre, SD, with exhibit marking to begin at 12:45 p.m. CST.

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 1st day of December, 2011.

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:	<u><i>[Signature]</i></u>
Date:	<u>12/09/11</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner