BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE FILING BY OTTER TAIL POWER COMPANY REGARDING ITS NOTIFICATION OF INTENT TO APPLY FOR A PERMIT FOR AN ENERGY CONVERSION FACILITY ORDER DESIGNATING AFFECTED AREA AND DESIGNATING LOCAL REVIEW COMMITTEE; ORDER GRANTING MOTION TO DEFER PREFILED TESTIMONY; ORDER GRANTING MOTION TO SCHEDULE PREHEARING CONFERENCE

EL17-017

On April 4, 2017, the South Dakota Public Utilities Commission (Commission) received a Notification of Intent to submit a permit application for an energy conversion facility from Otter Tail Power Company (Otter Tail). Otter Tail proposes to construct, own, and operate a simple-cycle combustion gas turbine consisting of one combustion turbine generator, one stack, standard equipment enclosures, balance-of-plant equipment, and associated facilities. The expected generation is approximately 250 megawatts of power during periods of high energy use. Associated facilities will include natural gas piping anticipated to be less than 1,000 feet and a 345-kilovolt generation-tie, anticipated to be less than one mile in length. The energy conversion facility, known as Astoria Station, is proposed to be located in the N 1/2 of Section 22, Township 113N, Range 48 West, Scandinavia Township, Deuel County, approximately 1.5 miles northwest of Astoria, South Dakota. Otter Tail filed a map showing the anticipated affected siting area within ten miles of the proposed energy conversion facility. Otter Tail estimates the total construction cost to be \$165 million. On April 5, 2017, Otter Tail filed a Motion to Defer Filing of Prefiled Testimony and a Motion to Schedule Prehearing Conference.

On April 6, 2017, the Commission electronically transmitted notice of the filing and the intervention deadline of April 21, 2017, to interested entities and persons on the Commission's PUC Weekly Filings electronic listserv. No petitions to intervene or comments were filed. On April 21, 2017, Commission staff filed two exhibits along with its recommendation of the affected siting area. On April 26, 2017, Commission staff filed an amended Exhibit 2. On April 27, 2017, Commission staff clarified that its recommendation for a six-mile radius of the affected siting area did not include any Minnesota counties.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B, specifically 49-41B-5 and 49-41B-6, and ARSD 20:10:22:01, 20:10:22:02, and 20:10:22:39. 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(10), 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, or economically by the location of a facility at a proposed site."

At its regularly scheduled meeting on April 27, 2017, the Commission considered these matters. After its discussion, the Commission voted unanimously to designate the affected area as

a six-mile radius from the proposed energy conversion facility within the state of South Dakota. In accordance with SDCL 49-41B-6, the Commission voted unanimously to designate the local review committee which shall be comprised of the following individuals, ex officio:

- (1) The Presidents of the Boards of Education of Deuel School District 19-4 and Deubrook School District 05-6;
- (2) The Chairs of the Brookings and Deuel County Commissions;
- (3) The Mayors of the cities of Astoria, Brandt, and Toronto; and
- (4) A representative of Otter Tail.

Any person on the committee who ceases to hold such office or appointment shall be replaced on the committee by its successor, who shall promptly notify the Commission of such succession.

The Commission voted unanimously to grant Otter Tail's Motion to Defer Prefiled Testimony permitting Otter Tail to file its prefiled testimony and exhibits after the filing of the application for siting permit. Finally, the Commission voted unanimously to grant Otter Tail's Motion to Schedule Prehearing Conference which shall be scheduled upon the making of such arrangements with Commission Counsel and parties to this proceeding. It is therefore

ORDERED, that for the purpose of this energy conversion facility, the affected area shall be a six-mile radius within the state of South Dakota from the proposed energy conversion facility. 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. It is further

ORDERED, that Otter Tail's Motion to Defer Prefiled Testimony is granted. It is further

ORDERED, that Otter Tail's Motion to Schedule Prehearing Conference is granted.

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 or by mail.
By: Karen E. Cremer
Date: 5/9/17
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chairperson

ON: Commissioner

CHRIS NELSON, Commissioner