

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

IN THE MATTER OF BLACK HILLS)	DECLARATORY RULING
POWER, INC. DBA BLACK HILLS)	REGARDING REBUILD OF A
ENERGY'S PETITION FOR)	230KV TRANSMISSION LINE
DECLARATORY RULING REGARDING)	
WHETHER A PERMIT IS REQUIRED FOR)	EL17-031
A REBUILD OF A 230KV TRANSMISSION)	
LINE CONSTRUCTED IN 1963)	

On August 1, 2017, the South Dakota Public Utilities Commission (Commission) received a Petition for Declaratory Ruling (Petition) from Black Hills Power, Inc. d/b/a Black Hills Energy (BHE). According to the Petition, BHE constructed a 230kV transmission line in 1963, prior to any statutes being enacted that would require a construction permit. Over the last several years, an increased rate of outages has occurred on the line due to mechanical and structural failure owing to the age and condition of the line. BHE plans to rebuild the existing line in order to improve and maintain reliability on its 230kV system. The nameplate carrying capacity of the line will not be increased as a part of the rebuild, and the line will not be relocated. The rebuild will occur within the line's existing rights-of-way. BHE stated that the precise issue to be answered by the Commission's Declaratory Ruling is:

Whether a permit is required for the rebuild of an existing 230kV transmission line, where the rebuild: 1) does not involve an increase in the line's nameplate carrying capacity; 2) does not change the line's status as a transmission facility; and 3) will occur within the line's existing rights-of-way?

On August 3, 2017, the Commission electronically transmitted notice of the filing and the intervention deadline of August 18, 2017, to interested individuals and entities on the Commission's PUC Weekly Filings listserv. No parties sought intervention. On August 28, 2017, Commission staff filed its Memorandum stating that under the current statutes a permit is not required as a permit is only required for new facilities where construction begins on or after July 1, 1979, and to modified facilities where there is a significant change in the carrying capacity of the transmission line.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-1, and 49-41B, specifically 1-26-15, 49-1-11, 49-41B-1, 49-41B-2 (5), 49-41B-2.2 (2), 49-41B-4, and ARSD 20:10:01:34 and 20:10:01:35. The Commission may rely upon any or all of these or other laws of this state in making its determination.

At its regularly scheduled meeting on August 29, 2017, the Commission considered this matter. Having reviewed the filed documents and having listened to the oral presentations of the parties, the Commission determined that BHE's proposed rebuild of a 230kV transmission line does not meet the definition of a modification pursuant to 49-41B-2.2 (2) and therefore the proposed rebuild does not meet the definition of construction pursuant to 49-41B-2 (5), and so a permit to construct under 49-41B-4 is not required in this matter. The Commission voted unanimously to find that a permit to construct is not required for the rebuild of a 230kV transmission line constructed in 1963 where the rebuild: 1) does not involve an increase in the line's nameplate carrying capacity; 2) does not change the line's status as a transmission facility; and 3) will occur within the line's existing rights-of-way. It is therefore

ORDERED, that BHE's proposed rebuild of a 230kV transmission line constructed in 1963 does not require a permit to construct.

Dated at Pierre, South Dakota, this 5th day of September, 2017.

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: Adam de Hueck

Date: 9/5/17

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner