

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

**IN THE MATTER OF THE)
APPLICATION OF OTTER TAIL)
POWER COMPANY FOR AN ENERGY)
CONVERSION FACILITY PERMIT)
FOR THE CONSTRUCTION OF A)
COMBUSTION TURBINE)
GENERATOR AND ASSOCIATED)
INFRASTRUCTURE INCLUDING A)
NATURAL GAS PIPELINE AND)
ELECTRIC TRANSMISSION LINE)
NEAR ASTORIA, SOUTH DAKOTA)**

**ORDER GRANTING MOTION
FOR FINDING OF
SUBSTANTIAL COMPLIANCE
WITH PUBLICATION NOTICE
REQUIREMENT; ORDER
GRANTING MOTION FOR
JUDICIAL NOTICE**

EL17-042

On October 5, 2017, the South Dakota Public Utilities Commission (Commission) received a permit application for an energy conversion facility (Application) from Otter Tail Power Company (Otter Tail). Otter Tail proposes to develop, own, and operate an approximate 250 megawatt simple-cycle natural gas fired energy conversion facility and related components known as the Astoria Station Project (Project). Associated facilities include a short segment (less than 1,000 feet long) of approximately 10-inch diameter natural gas pipeline on Otter Tail property necessary to interconnect to the Northern Border Pipeline and a short segment (preliminarily estimated to be less than one-half mile long) of 345-kilovolt (kV) generation-tie electric transmission line necessary to interconnect to the Big Stone South-Brookings County 345-kV electric transmission line. The energy conversion facility, known as Astoria Station, is proposed to be located in the N 1/2 of Section 22, Township 113N, Range 48W, Scandinavia Township, Deuel County, approximately one and one-half miles northwest of Astoria, South Dakota. The Project is expected to be in service by May 2021. Otter Tail estimates the total construction cost to be \$165 million. Otter Tail previously filed its required Notice of Intent to Apply for a Permit for an Energy Conversion Facility in Docket EL17-017.

On October 12, 2017, the Commission electronically transmitted notice of the filing and the intervention deadline of December 4, 2017, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On October 12, 2017, the Commission issued a Notice of Application; Order for and Notice of Public Input Hearing; Notice of Opportunity to Apply for Party Status. On October 17, 2017, the Local Review Committee filed a letter requesting \$17,600 to hire a consultant. On October 30, 2017, the Commission issued its Order Assessing Filing Fee; Order Authorizing Executive Director to Enter into Consulting Contracts; Order Granting Local Review Committee's Request to Hire Consultant. On November 14, 2017, Otter Tail filed a Motion for Judicial Notice and a Motion for Finding of Substantial Compliance with Publication Notice Requirement, or in the Alternative, Extending the Deadline for Publishing Notice of Public Input Hearing. On November 17, 2017, Commission staff filed its Response to Otter Tail's Motion for Finding of Substantial Compliance with Publication Notice Requirement, or in the Alternative, Extending the Deadline for Publishing Notice of Public Input Hearing.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B and ARSD Chapters 20:10:01 and 20:10:22.

At its regularly scheduled meeting on November 21, 2017, the Commission considered these matters. After hearing from the parties, the Commission unanimously voted to grant Otter Tail's Motion for Finding of Substantial Compliance with Publication Notice Requirement and to grant Otter Tail's Motion for Judicial Notice. It is therefore

ORDERED, that Otter Tail's Motion for Finding of Substantial Compliance with Publication Notice Requirement is granted. It is further

ORDERED, that Otter Tail's Motion for Judicial Notice is granted.

Dated at Pierre, South Dakota, this ^{28th} day of November, 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: <u>Adam de Hueck</u>
Date: <u>11/28/17</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Piegen
KRISTIE PIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner