

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

IN THE MATTER OF THE APPLICATION OF	)	ORDER ASSESSING FILING
EAST RIVER ELECTRIC POWER	)	FEE
COOPERATIVE, INC. FOR A TRANSMISSION	)	
UPGRADE TO THE SIOUX FALLS AREA 115	)	EL04-009
KV TRANSMISSION PROJECT	)	

On February 27, 2004, East River Electric Power Cooperative, Inc. (East River) submitted to the Public Utilities Commission (Commission) an application for its proposed Sioux Falls Area 115 kilovolt (kV) transmission upgrade project. The application states that the proposed project would upgrade approximately 36 miles of an existing 69 kV transmission line and 7 existing 69 kV distribution substations to 115 kV to enable East River to continue to adequately and reliably serve the growing demand for electric service of its member distribution systems in the Sioux Falls area. The line and substation facilities to be upgraded are located in Lincoln and Minnehaha Counties, beginning at WAPA's Sioux Falls Substation on Rice Street and 478 Ave. (east of Great Bear), extending east to the West Brandon Substation on Holly Blvd. west of Brandon, then north and east to the Brandon and Corson Substations on Splitrock Blvd. on the north side of Brandon and east of Corson, respectively, then east on Redwood Blvd. and south on Chestnut Ave. to the Rowena Substation north of Rowena, then south and east to the Splitrock Substation on Highway 42 east of Sioux Falls, then south to the Harrisburg Substation west of Highway 11 (one mile south of the Harrisburg corner), then east to the Tea Substation two miles south of Tea. On March 19, 2004, Xcel Energy, Inc. (Xcel) filed a Motion to Intervene, which motion included a request to receive all filings in the docket.

On March 4, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of March 19, 2004, to interested individuals and entities.

SDCL 49-41B-12 authorizes the Commission to assess a maximum fee not to exceed one-quarter of one percent of the first one hundred million dollars of estimated construction costs of the facility. However, the minimum total fee chargeable may not be less than eight thousand dollars. The fee shall be deposited in the South Dakota Public Utilities Commission's (SDPUC) regulatory assessment fee fund to defray Commission expenses incident to analyzing and ruling upon this type of filing.

The Commission asserts 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-11, 49-41B-12, 49-41B-13, 49-41B-15, 49-41B-16, 49-41B-17, 49-41B-17.1, 49-41B-21, 49-41B-22, 49-41B-25, 49-41B-26, 49-41B-33, 49-41B-38, and ARSD Chapter 20:10:22.

On March 23, 2004, at its regularly scheduled meeting, the Commission, pursuant to SDCL 49-41B-12, unanimously voted to assess East River a filing fee not to exceed \$17,250, with an initial deposit of \$8,000, the minimum fee allowed by law as requested by the Deputy Executive Director. It is therefore

ORDERED, that East River shall be assessed a filing fee of not to exceed \$17,250.00; and it is further

ORDERED, that East River shall make an initial deposit in the SDPUC regulatory assessment fee fund in the amount of the minimum filing fee of \$8,000 and shall from time to time make such additional deposits up to the total amount of the assessment as requested by the Deputy Executive Director.

Dated at Pierre, South Dakota, this 5th day of April, 2004.

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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: *Helaine Kalbs*

Date: *4/6/04*

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner