

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

IN THE MATTER OF THE PETITION OF)	ORDER GRANTING
OTTER TAIL POWER COMPANY FOR)	WITHDRAWAL; ORDER
ORDER ACCEPTING CERTIFICATION OF)	APPROVING THE JOINT
PERMIT ISSUED IN DOCKET EL06-002 TO)	MOTION FOR APPROVAL
CONSTRUCT BIG STONE TRANSMISSION)	OF STIPULATION; ORDER
LINE AND SUBSTATIONS IN GRANT AND)	GRANTING CERTIFICATION
DEUEL COUNTIES)	

EL12-063

On December 19, 2012, the South Dakota Public Utilities Commission (Commission) received a Petition for Order Accepting Certification (Petition) filed by Otter Tail Power Company (Otter Tail) requesting the Commission to accept certification that the conditions leading to the issuance of the January 16, 2007, Decision and Order Approving Stipulation and Granting Permit to Construction Transmission Facilities in Docket EL06-002 will continue to be met.

On December 20, 2012, the Commission electronically transmitted notice of the filing and the intervention deadline of January 11, 2013, to interested individuals and entities. No parties filed to intervene. On March 19, 2013, Otter Tail filed a Certification stating that the conditions upon which the Commission granted the facility permit will continue to be met along the route as described in its Petition. On March 28, 2013, the City of Gary filed a Withdrawal to terminate its status as a party to the proceedings. On April 2, 2013, the Commission's Staff (Staff) filed a Joint Motion for Approval of Stipulation and Stipulation of the Terms and Conditions.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B, specifically 49-41B-27, and ARSD 20:10:01:15.05, 20:10:01:19, and 20:10:22.

At its regularly scheduled meeting on April 9, 2013, the Commission considered this matter. Staff recommended that the Commission grant the City of Gary's Withdrawal, that the Commission grant the Joint Motion for Approval of Stipulation, and that the Commission accept the Certification as conforming to SDCL 49-41B-27.

The Commission voted unanimously to grant the City of Gary's Withdrawal, to grant the Joint Motion for Approval of Stipulation and adopt the attached Stipulation of Terms and Conditions with modifications to correct two typographical errors and add language to require notice to landowners of the project manager's contact information, and to accept the Certification as conforming to SDCL 49-41B-27. It is therefore

ORDERED, that the City of Gary's Withdrawal is hereby granted. It is further

ORDERED, that the Joint Motion for Approval of Stipulation is hereby granted and the attached Stipulation of Terms and Conditions, with modifications to correct two typographical errors and add language to require notice to landowners of the project manager's contact information, is hereby adopted. It is further

ORDERED, that the Certification is hereby accepted as conforming to SDCL 49-41B-27.

Dated at Pierre, South Dakota, this 10th day of May, 2013.

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: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson

GARY HANSON, Chairman

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner