

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

IN THE MATTER OF THE FILING BY BASIN)	ORDER APPROVING
ELECTRIC POWER COOPERATIVE FOR A)	WAIVER
WAIVER OF A PERMIT FOR TEMPORARY)	
REBUILDING OF A PORTION OF A 345 KV)	EL98-007
TRANSMISSION LINE)	

On April 2, 1998, Basin Electric Power Cooperative (Basin) filed with the Public Utilities Commission (Commission) a request for a waiver of the provisions of SDCL, Chapter 49-41B. Basin is the owner of a 345 kV transmission line which extends from its Leland Olds Station in Mercer County, North Dakota to Watertown, South Dakota. On March 10, 1998, two towers collapsed and seven adjacent towers were partially damaged while crews were working to relieve ice pressure. The ice was on Nicholson Lake in Codington County, South Dakota, and the towers, originally on dry land, were surrounded by water due to many years of high run-off conditions. In its filing, Basin described the location of the proposed temporary facility.

Chapter 49-41B, South Dakota Compiled Laws, provides for the issuance of permits for the construction of transmission facilities. The Commission has jurisdiction in this matter pursuant to SDCL Chapter 49-41B, particularly 49-41B-23. The provisions of Chapter 49-41B may be waived by the Commission if a transmission facility has been destroyed by flood or other natural disaster and the need for construction of a new facility is necessary to promote the public health, safety, or welfare.

At its regularly scheduled meeting of April 9, 1998, the Commission considered the request of Basin. Upon reviewing the filing and the comments of staff and Basin, the Commission finds that good cause exists for granting the waiver of the necessity for a permit for the building of a temporary facility by Basin near Nicholson Lake in Codington County, South Dakota, to replace that facility which was damaged or destroyed by flood or other natural disaster on March 10, 1998. It is therefore

ORDERED that the necessity for a permit for Basin to construct a facility near Nicholson Lake in Codington County, South Dakota, to replace a transmission facility damaged or destroyed by flood or other natural disaster on March 10, 1998, in a location as described in the maps and plats filed in this action shall be granted until a more permanent solution is found; it is further

ORDERED that Basin shall keep the Commission informed of its efforts to arrive at a permanent solution for the problem it experienced in this filing.

