

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

**IN THE MATTER OF THE APPLICATION OF)
BLACK HILLS POWER, INC. FOR APPROVAL)
OF TARIFF REVISIONS RELATED TO ITS COST)
OF SERVICE GAS AGREEMENT WITH BLACK)
HILLS UTILITY HOLDINGS, INC.)**

**ORDER GRANTING
WITHDRAWAL**

EL15-036

On September 30, 2015, Black Hills Power, Inc. (BHP) filed with the South Dakota Public Utilities Commission (Commission) an Application of Black Hills Power, Inc. for Approval of Tariff Revisions (Application). BHP seeks authorization and approval of (1) revisions to its Fuel and Purchased Power Adjustment (FPPA) tariff provision for its electric utility operations to include the costs incurred by BHP under its Cost of Service Gas Agreement (COSG Agreement) between BHP and Black Hills Utility Holdings, Inc. (BHUI); (2) the COSG Agreement, as may be determined necessary by the Commission; and (3) granting waivers, conditions, approvals or other and further relief as the Commission deems necessary or appropriate. BHP proposes the tariff revision be effective upon approval by the Commission.

On October 1, 2015, the Commission electronically transmitted notice of the Petition and the intervention deadline of November 20, 2015, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On November 20, 2015, Constellation NewEnergy-Gas (Constellation) filed a Petition to Intervene. On December 3, 2015, BHP filed an Objection to Constellation's Petition to Intervene. On December 7, 2015, Constellation filed a letter requesting withdrawal of its Petition to Intervene. On December 9, 2015, the Commission issued an Order Granting Withdrawal of the petition to intervene. On June 24, 2016, BHP filed supplemental testimony. Commission staff filed testimony on July 11, 2016. On July 29, 2016, BHP filed a Motion to Withdraw the Application without Prejudice and to Terminate the Pending Procedural Schedule.

The Commission has jurisdiction in this matter pursuant to SDCL Chapter 49-34A and ARSD 20:10:13.

At its regularly scheduled meeting on August 16, 2016, the Commission considered this matter. Commission staff recommended granting BHP's motion and to dismiss the docket. The Commission voted unanimously to grant BHP's Motion to Withdraw the Application without Prejudice and to Terminate the Pending Procedural Schedule. It is therefore

ORDERED, that BHP's Motion to Withdraw the Application without Prejudice and to Terminate the Pending Procedural Schedule is hereby granted.

Dated at Pierre, South Dakota, this 19th day of August, 2016.

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 DeHueck</u>
Date: <u>8/19/16</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner