

33 South Sixth Street, Suite 4200 Minneapolis, Minnesota 55402 main 612.373.8800 fax 612.373.8881 www.stoel.com

ANDREW P. MORATZKA Direct (612) 373-8822 andrew.moratzka@stoel.com

April 23, 2015

VIA E-FILING

Ms. Patricia Van Gerpen Executive Director South Dakota Public Utilities Commission 500 E. Capitol Avenue Pierre, SD 57501

Re: In the Matter of the Application of Black Hills Power, Inc. for Authority to Increase its Electric Rates Docket No. EL14-026

Dear Ms. Van Gerpen:

On April 1, 2015, the Black Hills Industrial Intervenors ("<u>BHII</u>"), by and through counsel, and pursuant to South Dakota Administrative Rules ("<u>ARSD</u>") § 20.10.01:30.01, submitted a Petition for Rehearing and Reconsideration (the "<u>Petition</u>") of the South Dakota Public Utility Commission's decision in the above-referenced docket, issued at its public meeting on March 2, 2015. In the Petition, BHII specifically reserved the right to supplement or amend its Petition to clarify and provide additional specificity with respect to the requests set forth therein after the Commission issued its written decision and order in the case.

On April 17, 2015, the Commission issued its Final Decision and Order; Notice of Entry (the "<u>Final Order</u>"), noting that "[p]ursuant to ARSD 20:10:01:30.01, an application for a rehearing or reconsideration may be made by filing a written petition with the Commission within 30 days after the date of issuance of this Final Decision and Order; Notice of Entry." The date that is 30 days after the issuance of the Final Order is Monday May 18, 2015. BHII hereby provides notice that it intends to supplement and amend its Petition, which supplement and amendment will both address (1) issues raised in the Final Order and (2) the purported error in the Petition noted in footnote 3 to Black Hills Power's Answer to the Petition.

In order to expedite the Commission's review of the Petition, as amended and supplemented, and schedule a hearing as soon as practicable, BHII recommends the following schedule:



April 23, 2015 Page 2

- BHII will submit its supplement to the Petition no later than Monday May 11, 2015, giving BHII one week less than the Final Order permits to prepare its supplement;
- Black Hills Power will submit any supplement to its Answer to the Petition no later than Monday May 25, 2015, giving Black Hills Power one week less than would otherwise be permitted under ARSD 20:10:01:30.02 to prepare its supplement; and
- The Commission schedules a hearing on BHII's amended Petition at its open meeting scheduled for May 26, 2015.

In the event that Black Hills Power and the Commission do not stipulate to the schedule set forth above, BHII requests the full thirty (30) days provided for filing applications for rehearing or reconsideration set forth in ARSD 20:10:01:30.01 and the Final Order (i.e., until May 18, 2015) to prepare and submit its supplement to the Petition, at which point Black Hills Power will have twenty (20) days (i.e., until June 8, 2015) to prepare and submit any supplement to its Answer. The Commission could then schedule a hearing on the Petition and Answer after June 8, 2015.

Thank you for your consideration and we look forward to your reply.

Very truly yours,

/s/ Andrew P. Moratzka

Andrew P. Moratzka Chad T. Marriott

Counsel for Black Hills Industrial Intervenors

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

In the Matter of the Application of Black Hills Power, Inc. for Authority to Increase its Electric Rates Docket No. EL14-026

AFFIDAVIT OF SERVICE

STATE OF MINNESOTA)) ss. COUNTY OF HENNEPIN)

I, Kathy Prestidge, hereby certify that I have this day served a true and correct copy of the following documents to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same in an envelope with postage paid in the United States Mail at Minneapolis, Minnesota.

BLACK HILLS INDUSTRIAL INTERVENORS' COMMENT LETTER

Further Your Affiant Sayeth Not.

testidge

Subscribed and sworn to before me this 23rd day of April, 2015.

Notary Public



Service List EL14-026

Ms. Patricia Van Gerpen Executive Director South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 <u>patty.vangerpen@state.sd.us</u> (605) 773-3201 - voice

Ms. Karen E. Cremer Staff Attorney South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 <u>karen.cremer@state.sd.us</u> (605) 773-3201 - voice

Ms. Brittany Mehlhaff Staff Analyst South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 <u>brittany.mehlhaff@state.sd.us</u> (605) 773-3201 - voice

Mr. Patrick Steffensen Staff Analyst South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 <u>patrick.steffensen@state.sd.us</u> (605) 773-3201 - voice

Mr. Eric Paulson Staff Analyst South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 <u>eric.paulson@state.sd.us</u> (605) 773-3201- voice Mr. Jon Thurber Manager of Regulatory Affairs Black Hills Power, Inc. PO Box 1400 625 Ninth St. Rapid City, SD 57709-1400 Jon.Thurber@blackhillscorp.com (605) 721-1603 - voice

Mr. Todd L. Brink Senior Counsel Black Hills Power, Inc. PO Box 1400 625 Ninth St. Rapid City, SD 57709-1400 <u>Todd.brink@blackhillscorp.com</u> (605) 721-2516 - voice

Mr. Lee A. Magnuson Lindquist & Vennum, LLP Ste. 302 101 S. Reid St. Sioux Falls, SD 57103 <u>Imagnuson@lindquist.com</u> (605) 978-5201 - voice

Ms. Amy Koenig Corporate Counsel Black Hills Corporation PO Box 1400 625 Ninth St. Rapid City, SD 57709-1400 amy.koenig@blackhillscorp.com (605) 721-1166 - voice

Mr. Andrew P. Moratzka, Esq. - Representing: GCC Dacotah, Inc.; Pete Lien & Sons, Inc.; Rushmore Forest Products, Inc.; Spearfish Forest Products, Inc.; Rapid City Regional Hospital, Inc.; and Wharf Resources (U.S.A.), Inc. Stoel Rives LLP 33 South Sixth Street, Ste. 4200 Minneapolis, MN 55402 <u>apmoratzka@stoel.com</u> (612) 373-8822 - voice (612) 373-8881 - fax Mr. Mark Moreno, Esq. - Representing: GCC Dacotah, Inc.; Pete Lien & Sons, Inc.; Rushmore Forest Products, Inc.; Spearfish Forest Products, Inc.; Rapid City Regional Hospital, Inc.; and Wharf Resources (U.S.A.), Inc. Schmidt, Schroyer, Moreno, Lee & Bachand, P.C. 124 South Euclid, Ste. 201 P.O. Box 1174 Pierre, SD 57501-1174 <u>mmoreno@pirlaw.com</u> (605) 224-0461 - voice (605) 224-1607- fax

Chad T. Marriott - Representing: GCC Dacotah, Inc.; Pete Lien & Sons, Inc.; Rushmore Forest Products, Inc.; Spearfish Forest Products, Inc.; Rapid City Regional Hospital, Inc.; and Wharf Resources (U.S.A.), Inc. Stoel Rives LLP Ste. 2600 900 SW Fifth Ave. Portland, OR 97204 <u>ctmarriott@stoel.com</u> (503) 294-9339 - voice (503) 220-2480 - fax

Ms. Sabrina King - Representing: Dakota Rural Action 518 Sixth Street, #6 Rapid City, SD 57701 sabrina@dakotarural.org

Ms. Caitlin F. Collier - Representing: Dakota Rural Action Attorney PO Box 435 Vermillion, S.D. 57069 <u>collierlawoffice@gmail.com</u> (605) 202-0281 - voice