

EL98-010

DOCKET NO.

IS THE WRITER OF THE COMPLAINT
FED BY BURTON AND L. B.
SALINAS, LEWIS, SOUTH DAKOTA,
WARRANT BLACK HILLS POWER AND
LIGHT COMPANY REGARDING
INSTALLATION FEE

Public Utilities Commission of the State of South Dakota

EXHIBIT

Handwritten: Complaint and Hearing docket

PUBLIC UTILITIES COMMISSION OF SOUTH DAKOTA

THIS RATE SHALL BE IN FULL PAYMENT
OF ALL CHARGES, UNLESS OTHERWISE
SPECIFIED

SECTION NO. 5
SECOND REVISED SHEET NO. 22
REPLACES FIRST REVISED SHEET NO. 22

100 - METER SERVICE

All buildings, mobile home parks and trailer courts for which construction was begun after June 13, 1980, shall be metered separately for each residential or commercial unit, with the exception of hospitals, nursing homes, transient hotels and motels, dormitories, campgrounds, other residential facilities of a publicly financed nature, central heating or cooling systems, central ventilating systems, central hot water systems and multiple occupancy buildings constructed, owned or operated with funds appropriated through the Department of Housing and Urban Development or any other federal or state government agency. Any existing multiple occupancy building receiving master metered service which is substantially renovated or renovated for continued use as a multiple occupancy building, if such renovating or renovation is begun after June 13, 1980, shall be individually metered, unless the building meets any of the exceptions listed above or unless the owner of such building demonstrates to the satisfaction of the Public Utilities Commission that conversion from master metering to individual metering would be impractical, uneconomical or unfeasible.

101 - LINE EXTENSIONS

Line extensions shall be administered in accordance with these rules.

101 - RATES

This rate is applicable to all prospective permanent customers located within the Company's service area, providing the proposed line extension can be built from an existing distribution line of 24.9 KV or less. This rate is not applicable to temporary service.

102 - DEFINITIONS - GENERAL CONSTRUCTION POLICY

(7)

1. A line extension is herein defined as a branch from, or a continuation of, an existing Company-owned distribution line. A line extension from customer-owned lines will require special agreements. A line extension may be either single or three phase or may be the conversion of an existing single phase line to three phase with or without further extension of the three phase line.

THIS RATE SHALL BE IN FULL PAYMENT OF ALL CHARGES, UNLESS OTHERWISE SPECIFIED

EFFECTIVE DATE: May 8, 1990

APPROVED BY

John D. White
Chairman, Board and Regulation

PUBLIC UTILITIES COMMISSION OF SOUTH DAKOTA

THIS RULE SHALL BE IN EFFECT FROM
MAY 8, 1990

SECTION NO. 5
SECOND REVISED SHEET NO. 23
REPLACES FIRST REVISED SHEET NO. 23

- (T)
1. The purpose of the rules and regulations sets forth the terms and conditions under which the Company will construct and extend the facilities to serve new loads and replace, relocate, or otherwise modify the distribution facilities.
 2. Applicant is the individual(s) who request a line extension of the Company.
 3. Applicant is an Applicant requesting a line extension to serve two (2) or more contiguous building sites.
 4. Revenue shall be the estimated annual revenue which the Company expects to receive from the Applicant as determined by the terms of Sections 803.1.A and 803.2.E of this rule.
 5. Actual Revenue is the sum of the actual payments made to the Company by the Applicant for electrical service for the account in question per the line extension agreement less the applicable sales tax.
 6. A Permanent Year-round Dwelling is a residence which includes a well or water hook-up, sewer or septic system, automatic heating system and is otherwise likely to be inhabited year-round.
 7. Rate Schedule is the Company's filed tariff for which the Applicant/customer qualifies. Qualification will be solely determined by the Company and may change if the Applicant/customer changes their expected electricity consumption.
 8. Line Extension Allowance is the estimated construction cost which the Company will incur without charge to the Applicant.
 9. Advance Deposit is the payment required of the Applicant prior to the extension construction for any estimated construction cost in excess of the Line Extension Allowance.
 10. No refunds will be made in excess of the refundable Advance Deposit, and deposits shall bear interest only as specified.

ISSUED: March 16, 1990

EFFECTIVE DATE: May 8, 1990

APPROVED BY: John D. White
John D. White
Manager, Rates and Regulation

PUBLIC UTILITIES COMMISSION OF SOUTH DAKOTA

REGULATORY DIVISION
1000 EAST BROADWAY
SIOUX FALLS, SOUTH DAKOTA

SECTION NO. 5
SECOND REVISED SHEET NO. 24
REPLACES FIRST REVISED SHEET NO. 24

loads, rebates, where applicable, will be made in accordance with the terms stated herein.

(T)

22. Each line extension shall be a separate, distinct unit and any former extension therefrom shall have no effect upon the agreement under which such extension is constructed.

23. All construction of line extensions shall conform to the Company's standards as well as applicable national, state, and local electrical codes.

24. In all cases where, in the opinion of the Company, its investment in facilities appears extraordinary or unusual, and where extension resulting or building of any facilities is necessary to accommodate the customer or group of customers, making application for service, the right is reserved to require the customer, or group of customers, to be served to execute a contract for a definite period of service, and to otherwise protect the Company against possible losses. Prospective customers entering into a contract, which is considered by the Company as a poor risk for the investment of its capital, may be required to finance the entire additional investment needed to serve the customer.

25. The title to every line extension shall at all times remain with the Company. The Company reserves the right at all times to add customers to an extension, and to make new extensions to any existing extension, under the provisions of these rules, without procuring the consent of any customer (Applicant) or customer contributing to the original construction costs.

26. Request shall be made prior to the start of such construction. Where a group of customers will be served by a single extension, applicable charges shall be allocated in an equitable manner by the Company.

ARTICLE 10 - LOW VOLTAGE SERVICE

(C)

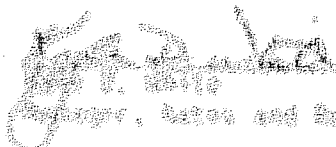
ARTICLE 10 - RESIDENTIAL SERVICE

A. Company Standard Extensions - For each Permanent Year-round dwelling in plan or under construction, the Company will

ADOPTED: March 10, 1990

EFFECTIVE DATE: May 8, 1990

APPROVED BY:



Director, Rates and Regulation

PUBLIC UTILITIES COMMISSION OF SOUTH DAKOTA

BLACK HILLS POWER AND LIGHT COMPANY
SIOUX FALLS, SOUTH DAKOTA

SECTION NO. 5
THIRD REVISED SHEET NO. 25
REPLACES SECOND REVISED SHEET NO. 25

Construct a line extension without charge to the Applicant if the estimated construction cost does not exceed four (4) times the following standard annual Revenue amounts (the "Line Extension Allowance") for the residential dwelling to be served under the applicable Rate Schedule:

<u>RATE SCHEDULE</u>	<u>ANNUAL REVENUE STANDARD</u>	<u>LINE EXTENSION ALLOWANCE</u>
Regular Residential Service	\$500	\$2,000
Total Electric Residential Service	\$ 750	\$3,000
Residential Demand Service	\$1,250	\$5,000

For permanent dwellings which, in the Company's opinion are not designed and constructed to be inhabited year-round (at least nine months each year), the total Line Extension Allowance is \$1,000 or the Applicant may sign a seasonal use agreement and qualify for the applicable Permanent Year-Round Dwelling Line Extension Allowance. (C)

The Rate Schedule shall be determined from the Applicant's representation. If at any time it is determined that the Applicant has misrepresented electrical service, the Company shall redetermine the applicable Line Extension Allowance. The redetermination may result in a charge to the Applicant, if the Company's estimated construction cost exceeds the correct Line Extension Allowance.

B. **Charges** - Line extensions which are estimated to cost in excess of the Line Extension Allowance will require an Advance Deposit for all excess cost. The line extension construction cost estimate will be based on the following standards:

RESIDENTIAL LINE

Single Phase (1Ø) Overhead or Underground = \$3.00/foot
Three Phase (3Ø) Overhead or Underground = \$9.00/foot

TRANSFORMER

Single Phase (1Ø) Overhead = \$ 900.00
Single Phase (1Ø) Underground = \$1,700.00

DATE FILED: April 14, 1992

EFFECTIVE DATE: April 24, 1992

ISSUED BY:

Egle D. White
Egle D. White

Manager, Rates and Regulatory Affairs

PUBLIC UTILITIES COMMISSION OF SOUTH DAKOTA

BLACK HILLS POWER AND LIGHT COMPANY
RAPID CITY, SOUTH DAKOTA

SECTION NO. 5
SECOND REVISED SHEET NO. 26
REPLACES FIRST REVISED SHEET NO. 26

SWITCHING MODULES

Single Phase (1Ø) Underground = \$1,500.00
Three Phase (3Ø) Underground = \$3,800.00

SECONDARY SERVICE

Overhead to Overhead = \$ 100.00
Underground to Underground = \$ 300.00
Overhead to Underground = \$ 400.00

C. Measurement - The length of any line extension will be measured along the route of the extension from the Company's nearest facilities from which the extension can be made to the point of transformation or last pole. Should the Company for its own reasons choose a longer route or require system improvement as part of the extension, the Applicant will not be charged for the additional distance or costs, however, if the Applicant requests special routing of the line extension, the Applicant will be required to make in advance of construction a non-refundable contribution to pay for the additional cost resulting from the special routing. (T)

D. Refunds - The Applicant will be entitled to refunds of the Advance Deposit under two (2) separate and distinct calculations: (C)

1. The Applicant may be entitled to a refund of any remaining Advance Deposit if additional line extensions are constructed from the electric facilities that were partially financed by the Applicant. Only those line extensions which connect directly with the facilities partially financed by the Applicant, without any intervening line extensions, will be considered when determining the Applicant's entitlement for a refund. The refund will be equal to the difference between the applicable Line Extension Allowance for the new Applicant and the estimated construction cost of the additional electric facilities. The Applicant will receive any applicable refund within thirty (30) days of the Applicant (C)

DATE FILED: March 14, 1990

EFFECTIVE DATE: May 8, 1990

ISSUED BY:

Kyle D. White

Kyle D. White

Manager, Rates and Regulation

PUBLIC UTILITIES COMMISSION OF SOUTH DAKOTA

BLACK HILLS POWER AND LIGHT COMPANY
RAPID CITY, SOUTH DAKOTA

SECTION NO. 5
SECOND REVISED SHEET NO. 27
REPLACES FIRST REVISED SHEET NO. 27

contacting the Company regarding the completed construction of additional electric facilities. In addition, the Company will make a final refund determination four (4) years following the effective date of the Application and Agreement for Line Extension. Each contract year the Company will notify the Applicant by Certified Mail that a refundable deposit is outstanding and may be eligible for refund. Any refunded Advance Deposit shall not bear interest. (C)

2. The Applicant may be entitled to a refund of any remaining Advance Deposit when four (4) years have passed from the effective date of the Application and Agreement, if the Company's Actual Revenue from the Applicant's account served during the first four (4) years by the line extension exceeds the Line Extension Allowance as originally determined and contracted for under Section 803.1.A. The amount eligible for refund to the Applicant shall be the amount by which Actual Revenue exceeds the Line Extension Allowance, if any. Refunds under this paragraph shall bear simple interest at the rate of seven (7) percent annually.

A Developer who has provided an Advance Deposit to extend electric service within a development will be entitled to a refund under 803.1.D.1 equal to the Line Extension Allowance of each new customer whose service is connected directly to the electric facilities that were partially financed by the Developer. A Developer will have their refund eligibility under 803.1.D.2 determined by the Actual Revenue received from the accounts established and directly served within the development as a result of the Developer's Application and Agreement for Line Extension.

Such refunds will be made only to the original Applicant if still receiving service at the same location. In no case shall the total refund to the Applicant exceed the amount of the Applicant's refundable Advance Deposit.

Any Advance Deposit not refunded to the Applicant as set forth above shall be retained and become the property of the Company.

E. Residential Underground Extensions (T)

1. The Company will:

DATE FILED: March 14, 1990

EFFECTIVE DATE: May 8, 1990

ISSUED BY:

Kyle D. White

Kyle D. White
Manager, Rates and Regulation

PUBLIC UTILITIES COMMISSION OF SOUTH DAKOTA

BLACK HILLS POWER AND LIGHT COMPANY
RAPID CITY, SOUTH DAKOTA

SECTION NO. 5
SECOND REVISED SHEET NO. 28
REPLACES FIRST REVISED SHEET NO. 28

- a. Be responsible for the design and installation of facilities. (T)
- b. Install, maintain, and own all primary and secondary conductors, padmount transformers, related electrical equipment, and PVC on the pole, if required.
- c. Cooperate in the joint use of trenches, where practical.
- d. Design the underground distribution facilities for a front-lot feed (from the street) to the residences.

2. The Applicant will:

- a. Provide the necessary easements as specified by the Company.
- b. Establish final grades and have sidewalks, curb and gutter, water, and sewer installed in the area prior to the installation of electric facilities.
- c. Provide all trenching to the Company specifications, washed sand or approved bedding, conduit when required, and backfill or any other restoration work required.
- d. The service lateral procedure will be as stated in 803.1.F.

F. Residential Underground Service Laterals

1. For a new house or where present service is inadequate (defined as a service lateral that has insufficient capacity, bare conductors or bad tree conditions),

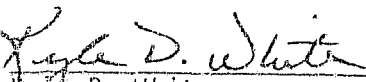
The Applicant will:

- a. Provide all trenching to the Company specifications, washed sand, or approved bedding, conduit when required, backfill, or any other restoration work required.

DATE FILED: March 14, 1990

EFFECTIVE DATE: May 8, 1990

ISSUED BY:



Kyle D. White
Manager, Rates and Regulation

PUBLIC UTILITIES COMMISSION OF SOUTH DAKOTA

BLACK HILLS POWER AND LIGHT COMPANY
RAPID CITY, SOUTH DAKOTA

SECTION NO. 5
THIRD REVISED SHEET NO. 29
REPLACES SECOND REVISED SHEET NO. 29

- b. Provide a service lateral location to be mutually agreed upon. The service lateral shall be of the shortest distance possible and shall avoid placement under future construction, such as buildings, walls, fences, or other possible hazardous areas. (T)
- c. Provide a Company approved meter receptacle with conduit down to twelve (12) inches below final grade.

The Company will:

- a. Install, maintain, and own the underground service lateral from the secondary system to the meter receptacle, including PVC on the pole if required.
2. For an existing house with adequate overhead service:
- a. Same as 803.1.F.1.
- b. The customer will advance a non-refundable contribution equal to the estimated cost (as determined by the Company) of the new underground service and removal of existing overhead service. The Company will give due credit for the salvage value of the existing overhead line.

803.2 - COMMERCIAL OR INDUSTRIAL SERVICE

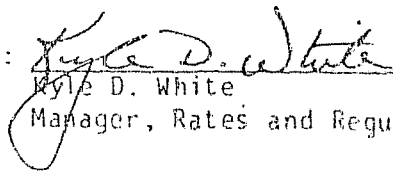
- A. **Company Financed Extensions** - For commercial or industrial service the applicable Line Extension Allowance shall be four (4) times the estimated annual Revenue as set forth at 803.2.E. The Company will construct, without charge to the Applicant, a line extension for which the estimated construction cost does not exceed the Line Extension Allowance. The estimated construction cost shall be determined by the Company.

If at any time it is determined that the Applicant has misrepresented the information concerning its estimated annual Revenue, the Company shall redetermine the applicable Line Extension Allowance. If the redetermined Line Extension Allowance is exceeded by the original estimated construction costs, the Applicant shall make a deposit with the Company.

DATE FILED: March 14, 1990

EFFECTIVE DATE: May 8, 1990

ISSUED BY:


Kyle D. White

Manager, Rates and Regulation

FAX TRANSMISSION from Consumer Affairs

To: Jim Jeffery

Company : Black Hills Power & Light

Fax Number : 8-605-578-2799

Date : 5/20/98

Time : 8:30:12

From : Leni Healy

Company : South Dakota PUC

Fax Number : 605.773.3809

Pages including cover page : 3

Message:

We have received the following formal complaint from Marvin Stallings. Commission policy allows a 2 day period in which the parties may attempt an informal resolution.

Please review this information. If Black Hills Power & Light and Mr. Stallings come to an agreement before noon on Friday, May 22, please let me know. If no agreement has been reached, this issue will be docketed and scheduled for a Commission meeting.

Thanks.

THIS COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any distribution, use or copying of this communication is prohibited.

South Dakota Public Utilities Commission

State Capitol Building; Pierre SD 57501

Telephone: (605) 773-3201 Fax: (605) 773-3809

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

IN THE MATTER OF THE COMPLAINT FILED) BY MARION AND L. R. STALLINGS, LEAD,) SOUTH DAKOTA, AGAINST BLACK HILLS) POWER AND LIGHT COMPANY REGARDING) INSTALLATION FEES))))))	ORDER DISMISSING COMPLAINT AND CLOSING DOCKET EL98-010
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On May 19, 1998, the Public Utilities Commission (Commission) received a formal complaint by Marion and L. R. Stallings, Lead, South Dakota (Complainant), against Black Hills Power and Light Company (BHPL) regarding installation fees. Since the filing of the complaint, Commission Staff received word from Marion and L. R. Stallings and BHPL that they had resolved all the issues raised in the complaint and Marion and L. R. Stallings requested that the complaint be dismissed and the docket closed.

On June 30, 1998, at its regularly scheduled meeting, the Commission reviewed this matter. The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-58 and ARSD Chapter 20:10:01. As Marion and L. R. Stallings and BHPL had resolved all the issues complained of by Marion and L. R. Stallings and had requested dismissal and closure of the docket, Commission Staff recommended that the Commission close the docket. It is therefore

ORDERED, that this complaint be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 9th day of July, 1998.

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: <u><i>Melaine Jacobs</i></u>
Date: <u>7/9/98</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner