



**Black Hills Corporation**

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June 18, 2004

Ms. Pamela Bonrud  
Executive Director  
South Dakota Public Utilities Commission  
Capitol Building, First Floor  
500 E. Capitol Avenue  
Pierre, South Dakota 57501-5070

RECEIVED  
JUN 21 2004  
SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION  
FAX Received JUN 18 2004

**Re: *In the Matter of the Complaint Filed by Superior Renewable Energy LLC, et al., Against Montana Dakota Utilities Co. Regarding the Java Wind Project; Docket No. EL04-016***

Dear Ms. Bonrud:

Enclosed for filing are the original and ten copies of Black Hills Power's Petition to Intervene in the above entitled matter. A copy has been sent to opposing counsel as indicated on the Certificate of Service.

Please call me if you have any questions.

Thank you.

Sincerely,

BLACK HILLS CORPORATION

Steven J. Helmers  
SJH:skh  
Enclosure

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

RECEIVED  
JUN 21 2004  
SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

IN THE MATTER OF THE COMPLAINT FILED BY  
SUPERIOR RENEWABLE ENERGY LLC, ET AL.  
AGAINST MONTANA DAKOTA UTILITIES CO.  
REGARDING THE JAVA WIND PROJECT

) FAX Received JUN 18 2004  
)  
) Docket No. EL04-016  
)

PETITION TO INTERVENE  
OF  
BLACK HILLS POWER, INC.

Black Hills Power, Inc. ("Black Hills") hereby petitions to intervene as a party to this matter, pursuant to ARSD 20:10:01:15.02. Black Hills represents that the grant of its Petition will not prejudice any of the parties to this proceeding, and that it will not result in any delays in the matter.

In its Complaint, Superior Energy LLC ("Superior") has asked the Commission to resolve a dispute it has with Montana-Dakota Utilities Co. ("MDU") with respect to negotiation of a long-term electric power purchase agreement for purchase by MDU of electricity to be produced by Superior pursuant to the Public Utility Regulatory Policy Act of 1978 ("PURPA"), for a facility in Walworth County, South Dakota. Superior alleges that the Complaint was filed to provide Commission guidance in the negotiations of power purchase agreements between an electric utility and a Qualifying Facility ("QF") under PURPA.

In support of this Petition, Black Hills states that, while Superior's facility location is noted in the Complaint to be within the assigned service territory of MDU, Commission consideration of avoided cost calculations for a QF in the matter may affect the handling of similar matters for other electric companies, such as Black Hills, operation in the State of South Dakota, and therefore, Black Hills and its customers may be affected by the issues raised in this

proceeding and the outcome of the proceeding. Black Hills wishes to intervene in order to be apprised of such issues of policy and to participate as necessary in their determination. Black Hills' interests in the proceeding are unique and cannot be fully and adequately represented by the existing parties.

WHEREFORE, Black Hills respectfully requests that the Commission grants its Petition and allow it to intervene and be granted status of a party to this proceeding.

Dated at Rapid City, South Dakota, this 18<sup>th</sup> day of June, 2004.

BLACK HILLS CORPORATION



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that an original and ten copies of this Petition to Intervene have been served by United States Postal Service first class mail, postage prepaid to Pamela Bonrud, Executive Director, S.D. Public Utilities Commission, 500 East Capitol, Pierre, SD 57501, and that a true and correct copy of this Petition to Intervene was served by United States Postal Service first class mail, postage prepaid to the following parties to this proceeding this 18<sup>th</sup> day of July, 2004:

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