



Christopher B. Clark
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VIA FEDERAL EXPRESS

July 15, 2004

Mr. William Bullard, Jr.
Executive Director
South Dakota Public Utilities Commission
State Capitol
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

RECEIVED

JUL 16 2004

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

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

Dear Mr. Bullard:

Enclosed please find an original and 10 copies of Northern States Power Company d/b/a Xcel Energy's Petition to Intervene in the above-referenced proceeding. If you have any questions regarding this intervention, please contact me at (612) 215-4593.

Copies are being served on all parties of record.

Sincerely,

A handwritten signature in cursive script that reads 'Christopher B. Clark'.

Christopher B. Clark
Assistant General Counsel

Enclosures

c: Jim Wilcox

STATE OF SOUTH DAKOTA
BEFORE THE
PUBLIC UTILITIES COMMISSION

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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)

Docket No. EL04-016

**PETITION TO INTERVENE
OF
NORTHERN STATES POWER COMPANY**

Northern States Power Company (“NSP”), d/b/a Xcel Energy, hereby petitions to intervene as a party to this matter, pursuant to ARSD 20:10:01:15:02. NSP recognizes our intervention is late and NSP represents that the granting 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, NSP 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 this matter may affect the handling of similar matters for other electric companies, such as NSP, operating in the State of South Dakota, and therefore,

NSP and its customers may be affected by the issues raised in this proceeding and the outcome of the proceeding. We recognize this dispute may be resolved between Superior and MDU, and NSP does not seek to interfere with any such efforts.

WHEREFORE, NSP requests that the Commission grant its petition and allow it to intervene and be granted status of a party to this proceeding.

Dated this 15th day of July, 2004.

Respectfully submitted,

NORTHERN STATES POWER COMPANY D/B/A
XCEL ENERGY

By: Christopher B Clark

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CERTIFICATE OF SERVICE

I, Sharon K. Lassek, hereby certify 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 Pam Bonrud, Executive Director, South Dakota 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 15th day of July 2004.

Mark V. Meierhenry
Danforth, Meierhenry & Meierhenry, LLP
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Karen Cremer
S.D. Public Utilities Commission
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