

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION)	Docket No. EL14-026
OF BLACK HILLS POWER, INC., FOR)	
AUTHORITY TO INCREASE ITS)	BLACK HILLS POWER, INC.'S
ELECTRIC RATES)	OBJECTION TO THE INTERVENTION
)	PETITION OF DAKOTA RURAL
)	ACTION
)	

Black Hills Power, Inc. hereby objects to the Petition for Intervention of Dakota Rural Action.

On June 6, 2014, Dakota Rural Action filed a Petition to Intervene in the above-entitled matter. Black Hills Power, Inc. objects to the Petition to Intervene of Dakota Rural Action for the following reasons:

1. Dakota Rural Action has failed to clearly and concisely set out the facts supporting the petitioner's alleged interest in the above proceeding, as required by ARSD 20:10:01:15.03, in that it has apparently failed to properly identify its legal name. Black Hills Power, Inc. assumes, but does not know (because the Petition is deficient), that the petitioner's legal name may be Dakota Rural Action, Inc., a South Dakota non-profit corporation.
2. Dakota Rural Action is not represented by a licensed South Dakota attorney as required by law. In South Dakota, as with the overwhelming majority of jurisdictions, corporations must be represented by a licensed attorney in legal proceedings. *Ladson v. BPM Corp.*, 681 N.W.2d 863 (2004); *Rosebud Fed. Cr. Union v. Mathis Implement*, 515 N.W.2d 241, 244 (S.D.1994) (Miller, C.J. concurring specially). Dakota Rural Action's Petition does not indicate that it is represented by an attorney. Upon information and belief, Sabrina King is not a licensed attorney in the State of South Dakota. The position of Black Hills Power, Inc. is consistent with an earlier ruling of this Commission (See EL-12-061, Order Denying Intervention Without Prejudice entered February 28, 2013).
3. Dakota Rural Action has failed to demonstrate that it is a customer of Black Hills Power, Inc. or that the outcome of the case will have a direct financial impact on Dakota Rural Action itself.
4. Dakota Rural Action has failed to clearly and concisely set out the facts supporting the petitioner's alleged interest in the proceeding as required by ARSD 20:10:01:15.03, in that it does not specifically state that any of its members are

customers of Black Hills Power, Inc. and does not specifically name those members of Dakota Rural Action that are customers of Black Hills Power, Inc.

5. Dakota Rural Action's petition is deficient under ARSD 20:10:01:15.05 in that Dakota Rural Action has not shown that it is specifically deemed by statute to be interested in the matter involved, that the petitioner is specifically declared by statute to be an interested party to the proceeding, or that by the outcome of the proceeding the petitioner will be bound and affected either favorably or adversely with respect to an interest peculiar to the petitioner as distinguished from an interest common to the public or to the taxpayers in general. Rather, the petitioner has only an interest common to the public or to taxpayers in general, which is insufficient grounds for petitioner to be allowed to intervene.
6. Petitioner Dakota Rural Action has failed to identify its specific interests in intervening, but rather has set forth broad statements that are inconsistent with a rate case. This indicates that petitioner improperly intends to broaden the issues of this rate case.

Black Hills Power, Inc. respectfully requests that the Petition to Intervene of Dakota Rural Action be denied and that Dakota Rural Action not be allowed to intervene in the above matter.

In the event that this Commission is considering allowing Dakota Rural Action to intervene, then in the alternative and for the reasons set forth above, Black Hills Power, Inc. respectfully requests that pursuant to SDCL 49-34A-13.1, Dakota Rural Action not be afforded the status of a party to the proceedings but only be allowed to appear at the rate change hearing, provided, however, that Dakota Rural Action complies with the requirements of SDCL 49-34A-13.1.

Dated this 18th day of June, 2014.

BLACK HILLS POWER, INC.

By: _____

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