

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

**In the Matter of Black Hills Power, Inc. dba Black Hills )  
Energy's Application for Adjustment in its Cogeneration )      Docket No. EL16-042  
and Small Power Production Service Simultaneous Net )  
Billing Generation Credit Rate(s) )**

**Mr. Bell's Petition to Intervene**

I, Richard A. Bell ("Mr. Bell"), hereby petition the Commission for intervention in the above captioned proceeding pursuant to ARSD §§ 20:10:01:15.02 through 20:10:01:15.05 and ARSD chapter 20:10:13:26. In support hereof, Bell states as follows:

1. Mr. Bell is a customer of Black Hills Energy (BHE), residing at 1206 Clark Street in Rapid City, South Dakota.

2. Mr. Bell has solar photovoltaic panels installed on the roof of his garage with excess electrical power being fed back into BHE's grid, which makes him a "Cogeneration and Small Power Production Service Customer."

3. On or about February 3, 2017, Mr. Bell received a letter from Mr. Jason Keil, Manager – Regulatory, of BHE, dated January 30, 2017 that explained BHE had filed a request with the SD-PUC on December 30, 2016.

4. BHE's request to the SD-PUC is for approval to decrease the Generation Credit Rate (GCR) from \$0.0332/kWh to \$0.0270/kWh, effective on March 1, 2017.

5. This 19% decrease in the GCR is considered significant.

6. BHE's letter stated that: "*The entire filing is available for examination at any Black Hills Energy business office, or you can review the entire filing on the South Dakota Public Utilities Commissions' website under Docket No. EL16-042.*"

7. Mr. Bell believes transparency in such matters is critical and he would like to be able to review and understand the foundation on which BHE bases its request to reduce the GCR.

8. Mr. Bell is technically qualified to perform such analysis as he is a Registered Professional Engineer in South Dakota (License #12864), and is a Certified Energy Manager by the Association of Energy Engineers (AEE).

9. However, when Mr. Bell attempted to review information on the PUC website, he found that all critical details and backup data that BHE had submitted in their request to justify this reduction in the GCR are located in attachments that are labeled "Confidential (not available to the public)."

10. On Monday February 6, 2017, Mr. Bell contacted Mr. Jason Keil, Manager – Regulatory, of BHE, to ask if he could visit the Black Hills Energy business office to examine the entire filing, including all the Avoided Cost sheets in the referenced docket that are labeled "Confidential (not available to the public)."

11. Mr. Keil, Manager – Regulatory, of BHE, verbally responded that it may be possible to review these confidential files if Mr. Bell signed a nondisclosure agreement (NDA); however, BHE's contractor (ABB) must also concur to grant the NDA.

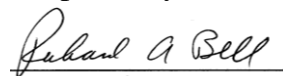
12. Mr. Bell is currently waiting for BHE/ABB to grant the NDA allowing him to review these confidential documents so he is better able to understand the basis for the proposed reduction in the GCR.

13. Therefore, Mr. Bell files this Petition to Intervene and asks that the SD-PUC grant a 90-day extension of this matter under the assumption that a NDA with BHE can be obtained and that he will be able to conduct a review during this time.

14. Based on all of the foregoing, Mr. Bell alleges that he is an interested party in this matter and seeks intervening party status.

Dated this 10<sup>th</sup> day of February, 2017.

Respectfully submitted,



Richard A. Bell, PE, CEM