

# EXHIBIT A

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

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**IN THE MATTER OF THE COMPLAINT  
OF ENERGY OF UTAH, LLC AND FALL  
RIVER SOLAR, LLC AGAINST BLACK  
HILLS POWER INC. DBA BLACK HILLS  
ENERGY FOR DETERMINATION OF  
AVOIDED COSTS**

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**BLACK HILLS POWER'S RESPONSES TO  
FALL RIVER SOLAR'S FIRST SET OF  
DISCOVERY REQUESTS**

**EL18-038**

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The answers to Petitioner's interrogatories and requests for production are based on information currently available, if additional or supplemental information is located, Black Hills will update responses as necessary or appropriate. In addition, Black Hills has made a number of objections to Petitioner's discovery requests, Black Hills reserves the right to update and supplement and responses to the extent necessary pending resolution of any discovery disputes.

Please note that the interrogatories and requests for production have been signed by a representative of Black Hills Power, Inc., but the answers contained herein are based on information from multiple sources.

### General Matters

1. Identify all persons who prepared or participated in the preparation of each of your responses to these interrogatories, requests for admissions and production of documents, specifying which discovery request each such person worked on.

**RESPONSE 1:** Black Hills objects to this interrogatory to the extent that it seeks work product or attorney client privilege communications. Subject to the objections and without waiving the same, the responses to Petitioner's first set of discovery responses were compiled from multiple sources within the Company and with the assistance of counsel. Those sources included, Amanda Thames (Senior Resource Planning Analyst), Aaron Carr (Director of Energy Innovation), Eric Egge (Director, Generation Dispatch and Power Marketing) and Kyle White (Vice President, Regulatory Strategy).

2. Identify all persons whom you understand to have knowledge or information relating to the subject matter of this dispute, and for each such person describe the knowledge or information you understand that person to possess.

**RESPONSE 2:** Objection, to the extent this interrogatory seeks the identification of individuals with knowledge or information specific to the SD Sun I, II and III projects, the acquisition of those projects, or construction of the SD Sun projects (which Petitioner has been advised is not being constructed and is not planned for construction at this time) the interrogatory is not reasonably calculated to lead to admissible evidence and is overbroad on its face.

Subject to the objections and without waiving the same, there are a number of individuals with knowledge of the dispute. Those that possess more detailed knowledge, or that may be called as witnesses include:

- (a) Kyle White, Vice President Regulatory Strategy. Mr. White has knowledge as to the Company's current and historical resource planning practices, South Dakota PUC Commission precedent on avoided costs, PURPA policy issues, and the Company's calculation of avoided costs in this case. It is anticipated that Mr. White will be submitting pre-filed testimony in this docket; his areas of knowledge will be further set forth in that pre-filed testimony.
- (b) Amanda Thames, Senior Resource Planning Analyst. Ms. Thames is employed as a Senior Analyst in the Company's Resource Planning Department. Ms. Thames accomplished the modeling which resulted in avoided cost pricing provided to Fall River Solar. It is anticipated that Ms. Thames will be submitting pre-filed testimony in this docket.
- (c) Jason Keil, Manager of Regulatory and Finance. Mr. Keil has general knowledge of Fall River's Complaint and has been present at the Commission's only open meeting on this docket thus far.
- (d) Todd Brink and Cathy Sabers. Mr. Brink and Ms. Sabers are both employed in the capacity of legal counsel for the Company and have been involved with the matters raised in Petitioner's discovery and in the handling of this complaint.
- (e) Chris Kilpatrick. Mr. Kilpatrick was involved in supervising and directing work accomplished by Ms. Thames. As demonstrated by the record in this case, Mr. Kilpatrick was engaged in correspondence with Mr. Vrba regarding the Fall River Solar's request for an avoided cost calculation. Mr. Kilpatrick formerly held the title of Director of Resource Planning and is no longer employed with the Company.
- (f) Jim McMahon, Charles River and Associates. It is anticipated that Mr. McMahon will provide pre-filed expert testimony in this matter with regard to his review and analysis of the avoided cost methodology utilized by Black Hills and that utilized by the Petitioner in this case.
- (g) Bill Taylor, Taylor Law Firm LLC. Mr. Taylor is employed as counsel for Fall River Solar and has knowledge of communications between the Parties to this dispute.
- (h) Ross Vrba. Mr. Vrba has knowledge of Fall River Solar, LLC's project, its request for avoided cost pricing, its project plans, and its project progress. He also has been involved in communications with Black Hills Power employees and

has, at various times, received avoided cost pricing and modeling for avoided cost pricing from Black Hills.

- (i) Mark Klein. Mr. Klein has filed testimony on behalf of Fall River Solar, LLC. In that testimony, he purports to have conducted analysis on the avoided cost provided by Black Hills and provided his own analysis of avoided costs.

3. List the address, occupation, telephone number, and email address, if known of each person identified in the foregoing interrogatory.

**RESPONSE 3:** The individuals identified in Response Number 2 (a), through (d) are current employees of Black Hills in Rapid City, South Dakota. Any contact should be arranged through counsel. The individual identified in Response 2(f) is a retained expert for Black Hills and any contact should be arranged through counsel. Fall River Solar is in possession of the contact information for those individuals identified in (g)-(i). As previously noted, Mr. Kilpatrick is no longer employed by Black Hills, but continues to reside in Rapid City, South Dakota. His telephone number is (605) 430-9634.

4. List each document you intend to introduce into evidence in the proceedings in this matter and produce copies thereof.

**RESPONSE 4:** Objection, at this point in the proceeding, this request seeks work product and is premature as exhibits have not been determined. Subject to the objection and without waiving the same, any documents (whether physical or electric) which are exchanged in discovery between the Parties to this action, including Commission Staff (and whether that discovery is formal or informal) might be used as exhibits. Likewise, any documents marked as exhibits to any pre-filed testimony or in any depositions might be used as exhibits. This interrogatory will be updated, as necessary and appropriate throughout the proceeding and in accordance with any Commission procedural order.

#### SD Sun I Avoided Cost

5. What was Black Hills' final levelized avoided cost rate for the energy and capacity produced by SD Sun I's proposed solar generator?

**RESPONSE 5:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are unduly cumulative and burdensome and exceed the permissible scope of discovery. Finally, Black Hills objects to Petitioner seeking discovery on matters already within its knowledge, as the final avoided cost rate for SD Sun I is included in a PPA signed by Mr. Vrba on behalf of that project. See Complaint ¶¶20 and 22.

6. Who calculated the final avoided cost for SD Sun I?

**RESPONSE 6:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, Lisa Seaman (then Manager, Resource Planning) performed all of the avoided cost modeling for South Dakota Sun I. At the time, Ms. Seaman was an employee of Black Hills Utility Holdings Company, Inc., which provided centralized services to entities within the Black Hills Corporation corporate family. Ms. Seaman is no longer employed by the Company.

7. What portion of that rate per megawatt hour was attributable to energy?

**RESPONSE 7:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

8. What portion of that rate per megawatt hour was attributable to capacity?

**RESPONSE 8:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

9. Fully describe the method Black Hills employed to calculate the final avoided cost for SD Sun I.

**RESPONSE 9:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are unduly cumulative and burdensome and exceed the permissible scope of discovery.

10. Produce copies of all documents that contain, summarize, memorialize or otherwise reflect the calculations, forecasts and the data employed to calculate and determine Black Hills' final levelized avoided cost for SD Sun I.

**RESPONSE 10:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the

Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are unduly cumulative and burdensome and exceed the permissible scope of discovery. Black Hills further objects that any response to this request would require the disclosure of confidential and proprietary information.

11. Did Black Hills employ Ventyx data in its calculation of the final avoided cost with respect to SD Sun I?

**RESPONSE 11:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, Black Hills utilizes Ventyx Reference Case Forecasts (n/k/a ABB Reference Case Forecasts) as assumptions in modeling avoided costs, in developing resource plans and for budgeting. Ventyx was the name of the company that published the Reference cases, but it was subsequently acquired by ABB.

12. If so, what seasonal case did it employ?

**RESPONSE 12:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are overly burdensome and exceed the permissible scope of discovery.

13. If Black Hills did not employ Ventyx data in its calculation of the final avoided cost with respect to SD Sun II, what data did it employ?

**RESPONSE 13:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, and assuming Petitioner intended to reference the South Dakota Sun I project, please refer to answer to Request No. 11.

14. Did Black Hills employ the ABB ProMod modeling system for calculating the avoided cost rate for SD Sun I?

**RESPONSE 14:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the

Commission. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, Black Hills utilized the Planning and Risk module of ABB's Enterprise software to model modeling the South Dakota Sun I project. This is not the same as ABB's PROMOD software.

15. If Black Hills did not employ the ABB ProMod modeling system for calculating the avoided cost rated for SD Sun I, what modeling system did it employ?

**RESPONSE 15:** See objections and response to Request Number 14.

16. What discount rate did Black Hills employ in levelizing the final avoided cost rate?

**RESPONSE 16:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests and overly burdensome and exceed the permissible scope of discovery.

17. On what basis did Black Hills determine that was the appropriate discount rate for levelizing the avoided cost rate?

**RESPONSE 17:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

18. In its calculation of avoided cost, did Black Hills include a payment to SD Sun I for energy SD Sun I produced when Black Hills' customer demand was less than Black Hills' minimum generation?

**RESPONSE 18:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are unduly cumulative and burdensome and exceed the permissible scope of discovery.

19. How much would the levelized avoided cost rate have been reduced if the foregoing payments had not been included?

**RESPONSE 19:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are unduly cumulative and burdensome and exceed the permissible scope of discovery.

SD Sun I PPA

20. Do you admit that Black Hills entered into a power purchase agreement with SD Sun I on or about June 20, 2016?

**RESPONSE 20:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are unduly cumulative and burdensome and exceed the permissible scope of discovery. Finally, Black Hills objects to Petitioner seeking discovery on matters already within its knowledge. See Complaint ¶ 22. See Vrba testimony at Page 6 ("On June 20, 2016 SD Sun I and Black Hills entered into a Power Purchase Agreement.")

Subject to the objections and without waiving the same, Black Hills admits that it entered into a power purchase agreement in relation to the SD Sun I project.

21. What was the rate per megawatt hour Black Hills agreed to pay for energy and capacity produced by SD Sun I's proposed solar generating facility?

**RESPONSE 21:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are unduly cumulative and burdensome and exceed the permissible scope of discovery. Specifically, Request No. 21 appears directly duplicative of Request No. 5. Finally, Black Hills objects to Petitioner seeking discovery on matters already within its knowledge, as the final avoided cost rate for SD Sun I is included in a PPA signed by Mr. Vrba on behalf of that project. See Complaint ¶ 22. See Vrba testimony at Page 7 ("We agreed on a levelized rate of \$44.54 per megawatt hour for energy and capacity produced by SD Sun I[.]")

22. Produce copies of all of Black Hills documents that contain, summarize, memorialize or otherwise reflect the calculations, forecasts and the data employed to calculate and determine the rate for energy and capacity Black Hills agreed to pay SD Sun I in the power purchase agreement.

**RESPONSE 22:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of

Requests 5-126, Petitioner's request are unduly cumulative and burdensome and exceed the permissible scope of discovery. Black Hills further objects that any response to this request would require the disclosure of confidential and proprietary information.

23. What portion of that rate per megawatt hour was attributable to energy?

**RESPONSE 23:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are unduly cumulative and burdensome and exceed the permissible scope of discovery.

24. What portion of that rate per megawatt hour was attributable to capacity?

**RESPONSE 24:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are unduly cumulative and burdensome and exceed the permissible scope of discovery.

25. In its calculation of avoided cost, did Black Hills include payments to SD Sun I for energy SD Sun I produced when Black Hills' customer demand was less than Black Hills' minimum generation?

**RESPONSE 25:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are unduly cumulative and burdensome and exceed the permissible scope of discovery.

26. How much would the levelized avoided cost rate have been reduced if the foregoing payment had not been included?

**RESPONSE 26:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are unduly cumulative and burdensome and exceed the permissible scope of discovery.

27. Did the method Black Hills employed to calculate avoided cost for SD Sun I that was offered to SD Sun I differ in any material respect from the method Black Hills employed to calculate the rate for energy and capacity it agreed to pay SD Sun I in the power purchase agreement?



**RESPONSE 27:** Black Hills objects that the request is vague and ambiguous. Black Hills further objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are unduly cumulative and burdensome and exceed the permissible scope of discovery.

28. If so, describe in detail and with specificity the difference in methods of calculation.

**RESPONSE 28:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are unduly cumulative and burdensome and exceed the permissible scope of discovery.

29. With respect to each difference described in the preceding question, state the reason why Black Hills changed the method of calculation.

**RESPONSE 29:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are unduly cumulative and burdensome and exceed the permissible scope of discovery.

#### SD Sun II Avoided Cost

30. What was the date Black Hills completed calculation of a final levelized avoided cost rate for energy and capacity produced by SD Sun II's proposed solar generator?

**RESPONSE 30:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

31. What was Black Hills' final levelized avoided cost rate for energy and capacity from SD Sun II?

**RESPONSE 31:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are cumulative and overly burdensome and exceed the

permissible scope of discovery. Specifically, Request 31 appears to be cumulative of Request 51.

32. Who calculated the final avoided cost for SD Sun II?

**RESPONSE 32:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are unduly cumulative and burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, Lisa Seaman (then Manager, Resource Planning) performed all of the avoided cost modeling for South Dakota Sun II. At the time, Ms. Seaman was an employee of Black Hills Utility Holdings Company, Inc., which provided centralized services to entities within the Black Hills Corporation corporate family. Ms. Seaman is no longer employed by the Company.

33. What portion of that rate per megawatt hour was attributable to energy?

**RESPONSE 33:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

34. What portion of that rate per megawatt hour was attributable to capacity?

**RESPONSE 34:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

35. Fully describe the method Black Hills employed to calculate the final avoided cost for SD Sun II.

**RESPONSE 35:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

36. Produce copies of all documents that contain, summarize, memorialize or otherwise reflect the calculations, forecasts and the data employed to calculate and determine Black Hills' final leveled avoided cost for SD Sun II.

**RESPONSE 36:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery. Black Hills further objects that any response to this request would require the disclosure of confidential and proprietary information.

37. Did Black Hills employ Ventyx data in its calculation of the final avoided cost with respect to SD Sun II?

**RESPONSE 37:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, Black Hills utilizes Ventyx Reference Case Forecasts (n/k/a ABB Reference Case Forecasts) as assumptions in modeling avoided costs, in developing resource plans and for budgeting. Ventyx was the name of the company that published the Reference cases, but it was subsequently acquired by ABB.

38. If so, what case did it employ?

**RESPONSE 38:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are unduly cumulative and burdensome and exceed the permissible scope of discovery.

39. If Black Hills did not employ Ventyx data in its calculation of the final avoided cost with respect to SD Sun II, what data did it employ?

**RESPONSE 39:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are unduly cumulative and burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, see response to Request 37.

40. Did Black Hills employ the ABB ProMod modeling system for calculating the avoided cost rate for SD Sun II?

**RESPONSE 40:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, Black Hills utilized the Planning and Risk module of ABB's Enterprise software in modeling the South Dakota Sun II project. This is not the same as ABB's PROMOD software.

41. If Black Hills did not employ the ABB ProMod modeling system for calculating the avoided cost rated for SD Sun II, what modeling system did it employ?

**RESPONSE 41:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objection and without waiving the same, please refer to the Response to Request 40.

42. What discount rate did Black Hills employ in levelizing the final avoided cost rate?

**RESPONSE 42:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

43. On what basis did Black Hills determine that was the appropriate discount rate for levelizing the avoided cost rate?

**RESPONSE 43:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

44. In its calculation of avoided cost, did Black Hills include payments to SD Sun II for energy SD Sun II produced when Black Hills' customer demand was less than Black Hills' minimum generation?

**RESPONSE 44:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

45. How much would the levelized avoided cost rate have been reduced if the foregoing payments had not been included?

**RESPONSE 45:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

46. Did the method Black Hills employed to calculate avoided cost for SD Sun I differ in any material respect from the method Black Hills employed to calculate avoided cost for SD Sun II?

**RESPONSE 46:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

47. If so, describe in detail and with specificity the difference in methods of calculation.

**RESPONSE 47:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

48. With respect to each difference described in the preceding answer, state the reason why Black Hills changed the method of calculation.

**RESPONSE 48:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of

Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

SD Sun II PPA

49. On what date did Black Hills enter into a power purchase agreement with SD Sun II?

**RESPONSE 49:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, a PPA was executed on March 31, 2017.

50. Produce a true and accurate signed copy of the power purchase agreement between SD Sun II and Black Hills.

**RESPONSE 50:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are unduly cumulative and burdensome and exceed the permissible scope of discovery.

51. What was the rate per megawatt hour Black Hills agreed to pay for energy and capacity produced by SD Sun II's proposed solar generating facility?

**RESPONSE 51:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

52. Produce copies of all of Black Hills documents that contain, summarize, memorialize or otherwise reflect the calculations, forecasts and the data employed to calculate and determine the rate for energy and capacity Black Hills agreed to pay SD Sun II in the power purchase agreement.

**RESPONSE 52:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery. Black Hills further objects that any response to this request would require the disclosure of confidential and proprietary information.

53. What portion of that rate per megawatt hour was attributable to energy?

**RESPONSE 53:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

54. What portion of that rate per megawatt hour was attributable to capacity?

**RESPONSE 54:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

55. Did the method Black Hills employed to calculate avoided cost for SD Sun II differ in any material respect from the method Black Hills employed to calculate the rate for energy and capacity it agreed to pay SD Sun II in the power purchase agreement?

**RESPONSE 55:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

56. If so, describe in detail and with specificity the difference in methods of calculation.

**RESPONSE 56:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

57. With respect to each difference described in the preceding question, state the reason why Black Hills changed the method of calculation.

**RESPONSE 57:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

58. In its calculation of avoided cost, did Black Hills include a payment to SD Sun II for energy SD Sun III produced when Black Hills' customer demand was less than Black Hills' minimum generation?

**RESPONSE 58:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

59. How much would the levelized avoided cost rate have been reduced if the foregoing payment had not been included?

**RESPONSE 59:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

60. Did the method Black Hills employed to calculate the rate for energy and capacity it agreed to pay SD Sun I in the power purchase agreement for SD Sun I differ in any material respect from the method Black Hills employed to calculate the rate for energy and capacity it agreed to pay SD Sun II in the power purchase agreement?

**RESPONSE 60:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

61. If so, describe in detail and with specificity the difference in methods of calculation.

**RESPONSE 61:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

62. With respect to each difference described in the preceding question, state the reason why Black Hills changed the method of calculation and explain why the offered avoided cost rate was changed.



**RESPONSE 62:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

SD Sun III Avoided Cost

63. Did Black Hills calculate a levelized avoided cost rate for energy and capacity produced by SD Sun III's proposed solar generator?

**RESPONSE 63:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objection and without waiving the same, some avoided cost modeling was accomplished on SD Sun III.

64. For whom was the levelized avoided cost rate calculated?

**RESPONSE 64:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, 174 Power Global.

65. Did Black Hills calculate more than one levelized avoided cost rate for energy and capacity from SD Sun III?

**RESPONSE 65:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, please see the response to Request 63.

66. What was the date Black Hills completed calculation of a final levelized avoided cost rate for energy and capacity from SD Sun III?

**RESPONSE 66:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of

Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objection and without waiving the same, please see the response to Request 63 and Request 88.

67. What was Black Hills' final levelized avoided cost rate for energy and capacity produced by SD Sun III's proposed solar generator?

**RESPONSE 67:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, please see the responses to Request 63 and Request 88.

68. Who calculated the final avoided cost for SD Sun III?

**RESPONSE 68:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, Lisa Seaman (former Manager, Resource Planning) performed avoided cost modeling for South Dakota Sun III. See also the response to Requests 63 and 88.

69. What portion of that rate per megawatt hour was attributable to energy?

**RESPONSE 69:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, see response to Request 88.

70. What portion of that rate per megawatt hour was attributable to capacity?

**RESPONSE 70:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, see response to Request 88.

71. Fully describe the method Black Hills employed to calculate the final avoided cost with respect to SD Sun III.

**RESPONSE 71:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, see response to Request 88.

72. Produce copies of all documents that contain, summarize, memorialize or otherwise reflect the calculations, forecasts and the data employed to calculate and determine Black Hills' final levelized avoided cost for SD Sun III.

**RESPONSE 72:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery. Black Hills further objects that any response to this request would require the disclosure of confidential and proprietary information.

73. Did Black Hills employ Ventyx data in its calculation of the final avoided cost with respect to SD Sun III?

**RESPONSE 73:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, Black Hills utilizes Ventyx Reference Case Forecasts (n/k/a ABB Reference Case Forecasts) as assumptions in modeling avoided costs, in developing resource plans and for budgeting. Ventyx was the name of the company that published the Reference cases, but it was subsequently acquired by ABB.

74. If so, what case did it employ?

**RESPONSE 74:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

75. If Black Hills did not employ Ventyx data in its calculation of the final avoided cost with respect to SD Sun III, what data did it employ?

**RESPONSE 75:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, please refer to Response 73 and Request 88.

76. Did Black Hills employ the ABB ProMod modeling system for calculating the avoided cost rate for SD Sun III?

**RESPONSE 76:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, Black Hills utilized the Planning and Risk module of ABB's Enterprise software to accomplish the modeling that was performed on SD Sun III. This is not the same as ABB's PROMOD software.

77. If Black Hills did not employ the ABB ProMod modeling system for calculating the avoided cost rated for SD Sun III, what modeling system did it employ?

**RESPONSE 77:** Please see objections and answer to Request 76.

78. What discount rate did Black Hills employ in levelizing the final avoided cost rate?

**RESPONSE 78:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, see response to Request 88.

79. On what basis did Black Hills determine that was the appropriate rate for levelizing the avoided cost rate?

**RESPONSE 79:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

80. In its calculation of avoided cost, did Black Hills include a payment to SD Sun III for energy SD Sun III produced when Black Hills' customer demand was less than Black Hills' minimum generation?

**RESPONSE 80:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

81. How much would the levelized avoided cost rate have been reduced if the foregoing payment had not been included?

**RESPONSE 81:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

82. Did the method Black Hills employed to calculate avoided cost for SD Sun I differ in any material respect from the method Black Hills employed to calculate avoided cost for SD Sun III?

**RESPONSE 82:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

83. If so, describe in detail and with specificity the difference in methods of calculation.

**RESPONSE 83:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

84. With respect to each difference described in the preceding question, state the reason why Black Hills changed the method of calculation.

**RESPONSE 84:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

85. Did the method Black Hills employed to calculate avoided cost for SD Sun II differ in any material respect from the method Black Hills employed to calculate avoided cost for SD Sun III?

**RESPONSE 85:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

86. If so, describe in detail and with specificity the difference in methods of calculation.

**RESPONSE 86:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

87. With respect to each difference described in the preceding question, state the reason why Black Hills changed the method of calculation.

**RESPONSE 87:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

#### SD Sun III PPA

88. Did Black Hills enter into a power purchase agreement with anyone regarding the energy and capacity to be produced by SD Sun III?

**RESPONSE 88:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's request are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, no.

89. If so, with whom did it enter into the power purchase agreement?

**RESPONSE 89:** See objections and answer to Request No. 88

90. On what date did Black Hills enter into the aforementioned power purchase agreement?

**RESPONSE 90:** See objections and answer to Request No. 88

91. Produce a true and accurate signed copy of the power purchase agreement regarding the energy and capacity to be produced by SD Sun III.

**RESPONSE 91:** See objections and answer to Request No. 88.

92. What was the rate per megawatt hour Black Hills agreed to pay for energy and capacity produced by the SD Sun III proposed solar generating facility?

**RESPONSE 92:** See objections and answer to Request No. 88.

93. Produce copies of all of Black Hills documents that contain, summarize, memorialize or otherwise reflect the calculations, forecasts and the data employed to calculate and determine the rate for energy and capacity Black Hills agreed to pay for the energy and capacity produced by SD Sun III in the aforementioned power purchase agreement.

**RESPONSE 93:** See objections and answer to Request No. 88.

94. What portion of that rate per megawatt hour was attributable to energy?

**RESPONSE 94:** See objections and answer to Request No. 88.

95. What portion of that rate per megawatt hour was attributable to capacity?

**RESPONSE 95:** See objections and answer to Request No. 88.

96. Did the method Black Hills employed to calculate avoided cost for South Dakota Sun III differ in any material respect from the method Black Hills employed to calculate the rate for energy and capacity it agreed to pay for the energy and capacity produced by SD Sun III in the aforementioned power purchase agreement?

**RESPONSE 96:** See objections and answer to Request No. 88.

97. If so, describe in detail and with specificity the difference in methods of calculation.

**RESPONSE 97:** See objections and answer to Request No. 88.

98. With respect to each difference described in the preceding question, state the reason why Black Hills changed the method of calculation.

**RESPONSE 98:** See objections and answer to Request No. 88.

99. In its calculation of avoided cost, did Black Hills include payments to SD Sun III for energy SD Sun III produced when Black Hills' customer demand was less than Black Hills' minimum generation?

**RESPONSE 99:** See objections and answer to Request No. 88.

100. How much would the levelized avoided cost rate have been reduced if the foregoing payment had not been included?

**RESPONSE 100:** See objections and answer to Request No. 88

Purchase of SD Sun I, II, and III

101. Has Black Hills acquired an interest in the SD Sun projects?

**RESPONSE 101:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, yes.

102. On what date did Black Hills acquire an interest in the SD Sun projects?

**RESPONSE 102:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, March 19, 2018.

103. From whom did it acquire the interests?

**RESPONSE 103:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, 174 Power Global Corporation.

104. What interests did Black Hills acquire?

**RESPONSE 104:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, Black Hills acquired all equity interests.



105. What was the purchase price for the interests?

**RESPONSE 105:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery. In addition to the foregoing objections, the Black Hills further objects to disclosure as the purchase and sale agreement includes a confidentiality provision.

106. Why did Black Hills acquire the interests in the SD Sun projects?

**RESPONSE 106:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

107. Produce copies of the agreement(s) pursuant to which Black Hills acquired the interest in the SD Sun projects.

**RESPONSE 107:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery. In addition to the foregoing objections, the Black Hills further objects to disclosure as the purchase and sale agreement includes a confidentiality provision.

108. As part of the decision whether or not to acquire the interests in the SD Sun projects, did Black Hills perform any economic modeling?

**RESPONSE 108:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

109. Did the modeling examine the impact of the acquisition on Black Hills revenue requirements?

**RESPONSE 109:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

110. Did the modeling examine the impact of the acquisition on rates charged Black Hills customers?

**RESPONSE 110:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

111. Provide a detailed explanation of the data sources, modeling programs and results of each such modeling run.

**RESPONSE 111:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

112. Produce copies of all such model runs.

**RESPONSE 112:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery. Black Hills further objects that any response to this request would require the disclosure of confidential and proprietary information.

113. How did the economic forecasting treat situations when Black Hills' customer demand was less than Black Hills' minimum generation?

**RESPONSE 113:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

114. Produce copies of all of Black Hills documents that contain, summarize, memorialize or otherwise reflect the calculations, forecasts and the data employed to calculate and determine the impact of the acquisition on Black Hills revenue requirements.

**RESPONSE 114:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery. Black Hills further objects that Request 114 appears to be duplicative and cumulative of Request 112 and 113. Black Hills further objects that any response to this request would require the disclosure of confidential and proprietary information.

115. Has Black Hills attempted to recover any portion of the purchase price for the SD Sun interests in its charges to its retail customers?

**RESPONSE 115:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, no.

116. As of the date of your answer to this interrogatory, how much of the purchase price has Black Hills recovered through charges to its retail customers?

**RESPONSE 116:** See objections and answer to Request 115.

117. If so, explain in detail the date when it began recovery, the method(s) it has employed to make the recovery, and the amount of time it anticipates it will take to recover the full purchase price.

**RESPONSE 117:** See objections and answer to Request 115.

118. If Black Hills has not attempted to recover all or any portion of the purchase price in its charges to its retail customers, describe in detail its plan to recover the purchase price, including but not limited to the date it intends to commence recovery, the period over which recovery will be spread, and rate of return on capital Black Hills expects to include in the recovery.

**RESPONSE 118:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

119. How did the acquisition of the interests in SD Sun I, II, or III, or any of them, affect the resource decisions described in Black Hills 2018-2027 Energy Facility Plan?

**RESPONSE 119:** Black Hills objects to this request as is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioners requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, Black Hills did advise the Commission in its 2018-2027 biennial Ten Year Energy Facility Plan that, early in 2018, it had purchased development rights for up to 52 MWs of dispersed power producing resource (i.e. solar). Black Hills further explained that development was its early stages with a "potential commercial operation date of 2019." The 2018-2027 biennial Ten Year Energy Facility Plan was filed on June 29, 2018.

### Construction of SD Sun I, II, and III

120. Does Black Hills have any plans to construct all or any portion of the SD Sun projects?

**RESPONSE 120:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioners requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, Black Hills has advised Fall River that it does not have plans to construct all or any portion of the SD Sun projects at this time.

121. If so, describes Black Hills' plans in detail, including dates of commencement of construction, details of Black Hills' expected costs of construction, including the costs of acquisition of all necessary equipment, the contractors hired or intended to be hired to construct the facilities, and the expected dates when the projects will enter commercial service.

**RESPONSE 121:** See the objections and response to Request 120.

122. Produce copies of all estimates of the costs involved in constructing the projects, including equipment costs, interconnection costs.

**RESPONSE 122:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

123. Produce copies of all contracts for construction and contracts for the acquisition of materials, supplies, equipment associated with construction of the projects.

**RESPONSE 123:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery.

Subject to the objections and without waiving the same, there are none.

124. Produce copies of all of Black Hills documents that contain, summarize, memorialize or otherwise reflect the calculations, forecasts and the data employed to calculate and determine the impact of the costs of construction of the SD Sun projects on Black Hills' revenue requirements.

**RESPONSE 124:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the

Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery. Black Hills further objects that any response to this request would require the disclosure of confidential and proprietary information.

125. Produce copies of all of Black Hills documents that contain, summarize, memorialize or otherwise reflect the calculations, forecasts and the data employed to calculate and determine the impact of the costs of construction of the SD Sun projects on Black Hills' rates it charges its retail customers.

**RESPONSE 125:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket. Black Hills further objects that, taken together with the totality of Requests 5-126, Petitioner's requests are overly burdensome and exceed the permissible scope of discovery. Black Hills further objects that any response to this request would require the disclosure of confidential and proprietary information.

126. Who is the person at Black Hills tasked with management of the construction of the SD Sun projects?

**RESPONSE 126:** See objections and answer to Request 120. Further subject to the stated objections, in light of the response to Request 120, there is no person at Black Hills tasked with management of the construction of the SD Sun projects.

#### Agreements for the Sale of Excess Energy and Capacity

127. List, seriatim by date of entry, every agreement in effect on September 6, 2018, between Black Hills and any other person, excluding retail sales to Black Hills customers, pursuant to which Black Hills may sell energy and/or capacity, when Black Hills' customer demand was less than Black Hills' minimum generation.

**RESPONSE NO. 127:** Black Hills Power has access to the services of Black Hills Service Company employees working in the Generation Dispatch and Power Marketing Department ("GDPM Department"). Based on the then existing market and available resources, GDPM employees can attempt to market excess generation through bilateral sales to counterparties, to the extent there are willing purchasers for such excess energy.

Though it is not specifically a contract for the sale of energy or capacity, when Black Hills Power is long on generation, Black Hills Power can push some energy into its Balancing Authority (the Western Area Colorado Missouri Balancing Authority or WACM BA), and can, in certain circumstances, receive some credit from the WACM BA under WACM's Energy Imbalance Schedule. There is, however, significant limitations on the ability to push excess generation to the Balancing Authority. For instance, WACM's deviation guidelines require that resources and load balance be within plus or minus 1.5% of load. If one considers 2018 Peak, Average and Minimum loads for 2018, this arrangement would have allowed between 3-7 MW of imbalance energy to be pushed into the WAPA BA, depending upon load conditions. In

addition, WACM can call at any time and advise Black Hills to return its load and resource balance to 0%.

128. Produce a copy of each such agreement.

**RESPONSE 128:** Because none of the contracts referenced appear specifically responsive to the question and the descriptions, none have not been provided.

129. List by date each occasion in the last five years when Black Hills' customer demand was less than Black Hills' minimum generation.

**RESPONSE 129:** Black Hills has reviewed its last five years of load and resource data and has not identified any hours where customer demand was less than Black Hills' minimum generation.

130. For each such occasion, list the quantity of electricity and capacity Black Hills sold when Black Hills' customer demand was less than Black Hills' minimum generation.

**RESPONSE 130:** Please see response to Request 129.

131. For each sale, list the revenue realized from the sale of electricity and from the sale of capacity.

**RESPONSE 131:** Please see response to Request 129.

#### Rate Forecasting Methodology

132. Does Black Hills employ Ventyx data in its rate forecasting?

**RESPONSE 132:** Objection the phrase "rate forecasting" in this context is vague and ambiguous. Subject to the objection and without waiving the same, Black Hills uses ABB Spring and Fall Reference Cases (f/k/a Ventyx Spring and Fall Reference Cases) for calculating its system generation costs, in developing resource plans, in its budgeting process, and in determining avoided costs in response to Qualified Facility requests. Black Hills does not use these reference cases in determining, proposing or setting its retail rates.

133. If Black Hills did not employ Ventyx data in its rate forecasting, what data source does it employ?

**RESPONSE 133:** Please refer to the objections and answer to Request Number 132.

134. Did Black Hills employ the ABB ProMod modeling system in its rate forecasting?

**RESPONSE 134:** Objection, the phrase "rate forecasting" in this context is vague and ambiguous. Subject to the objection and without waiving the same, Black Hills utilizes the

Planning and Risk module of ABB's Enterprise software in calculating “avoided cost” pricing, in determining its generation system costs, in developing resource plans, and in its budget process. The Planning and Risk module of ABB's Enterprise software is not used by Black Hills for determining, proposing or setting its retail rates.

Again, subject to the objections and without waiving the same, ABB's PROMOD is not utilized in calculating avoided costs, determining generation system costs, in Black Hills’ resource planning process or budgeting process, or in determining, proposing or setting retail rates.

135. If Black Hills did not employ the ABB ProMod modeling system in its rate forecasting, what modeling system does it employ?

**RESPONSE 135:** Please refer to the objections and answer to Request Number 134.

#### Energy and Capacity Contracts

136. Produce copies of all contracts and agreements Black Hills has entered into since February 1, 2018, for the purchase of energy and/or capacity.

**RESPONSE 136:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket.

Subject to the objections and without waiving the same, on August 16, 2018, Black Hills entered into a Power Purchase Agreement for purchase of 12MW of wind energy. The Power Purchase Agreement has two amendments which acted to fix clerical errors in the start and termination date. Black Hills objects to production of the actual Power Purchase Agreement, as it is protected by a confidentiality agreement. However, Black Hills has contacted its counter-party and they are willing to consent to production under a protective order. Consequently, the PPA will be produced upon agreement to a mutually acceptable protective order.

137. Produce copies of all of Black Hills documents that contain, summarize, memorialize or otherwise reflect the calculations, forecasts and the data employed to calculate and determine the impact of each such contract or agreement on Black Hills’ revenue requirements.

**RESPONSE 137:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket.

Subject to the objections and without waving the same, Black Hills did not undertake any specific analysis of the impact that the 12MW PPA would have on its revenue requirement or on customer rates. However, Black Hills was generally aware of how the price for energy and

capacity under the 12 MW PPA compared to Black Hills' system average cost and thus how the PPA would generally impact the rates and charges for Black Hills' retail customers.

138. Produce copies of all of Black Hills documents that contain, summarize, memorialize or otherwise reflect the calculations, forecasts and the data employed to calculate and determine the impact of each such contract or agreement on Black Hills' rates it charges its retail customers.

**RESPONSE 138:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket.

Subject to the objections and without waving the same, Black Hills did not undertake any specific analysis of the impact that the 12MW PPA would have on the rates it charges to retail customers. However, Black Hills was generally aware of how the price for energy and capacity under the 12 MW PPA compared to Black Hills' system average cost and thus how the PPA would generally impact the rates and charges for Black Hills' retail customers.

139. Produce copies of all contracts and agreements Black Hills has entered into since February 1, 2018, for the acquisition of interests in facilities that generate energy and/or capacity.

**RESPONSE 139:** Black Hills objects to this request as it is not reasonably calculated to lead to admissible evidence in this case and is overbroad on its face considering the matters before the Commission in this docket.

Subject to the objection and without waiving the same, Black Hills has not entered into any contacts or agreements since February 1, 2018 for the acquisition of any existing facility that generates energy or capacity.

140. Produce copies of all of Black Hills documents that contain, summarize, memorialize or otherwise reflect the calculations, forecasts and the data employed to calculate and determine the impact of each such contract or agreement on Black Hills' revenue requirements.

**RESPONSE 140:** See objections and response to Request 139.

141. Produce copies of all of Black Hills documents that contain, summarize, memorialize or otherwise reflect the calculations, forecasts and the data employed to calculate and determine the impact of each such contract or agreement on Black Hills' rates it charges its retail customers.

**RESPONSE 141:** See objections and response to Request 139.



Dated this 23<sup>rd</sup> day of April, 2019.

BLACK HILLS POWER, INC.

By: Kyle White  
Kyle White  
Vice President, Regulatory Strategy  
Black Hills Power, Inc.  
7001 Mt. Rushmore Road  
Rapid City, SD 57702

Subscribed and sworn to before me this 23<sup>rd</sup> day of April, 2019.



Kylie Griffith  
Notary Public - State of South Dakota  
**My Commission Expires  
December 19, 2019**

AS TO OBJECTIONS:

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Catherine M. Sabers  
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**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

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**IN THE MATTER OF THE COMPLAINT  
OF ENERGY OF UTAH, LLC AND FALL  
RIVER SOLAR, LLC AGAINST BLACK  
HILLS POWER INC. DBA BLACK HILLS  
ENERGY FOR DETERMINATION OF  
AVOIDED COSTS**

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**CERTIFICATE OF SERVICE**

**EL18-038**

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I hereby certify that on the 23<sup>rd</sup> day of April, 2019, I served the foregoing Black Hills Power's Responses to Fall River's First Set of Discovery Requests by email to the following:


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