

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

IN THE MATTER OF THE PETITION OF WEST)	ORDER CANCELLING
RIVER ELECTRIC ASSOCIATION, INC. FOR A)	HEARING
DECLARATORY RULING REGARDING)	
SERVICE TERRITORY RIGHTS CONCERNING)	EL02-003
BLACK HILLS POWER, INC. AND WEST)	
RIVER ELECTRIC ASSOCIATION, INC.)	

On February 21, 2002, the South Dakota Public Utilities Commission ("Commission") received a Petition for Declaratory Ruling from West River Electric Association, Inc. (WREA) requesting the Commission to make declaratory rulings as to: (i) whether Black Hills Power, Inc. (BHP) is rendering or has extended service within WREA's territory in violation of SDCL § 49-34A-42; and (ii) whether WREA has the right to provide future electrical service to the Rapid City Waste Water Treatment Facility (the sewer plant) located within WREA's assigned service area.

On February 25, 2002, WREA filed its agreement to an extension of the fifteen-day hearing requirement of SDCL 49-34A-59 to thirty (30) days, as provided in ARSD 20:10:01:35. The Commission originally scheduled the petition for hearing on March 21, 2002. On March 7, 2002, prior to formal order and notice of hearing, BHP filed a request to reschedule the hearing to which WREA had previously agreed. On March 11, 2002, the Commission received a petition to intervene from BHP. At its regularly scheduled meeting on March 28, 2002, the Commission granted BHP's petition to intervene.

The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-4 and 49-34A-59 and ARSD 20:10:01:34 and 20:10:01:35.

By order dated April 4, 2002, a hearing was scheduled for April 18, 2002, beginning at 1:00 p.m. CDT in Room 464 of the Capitol Building in Pierre, South Dakota. The parties have requested that the hearing be cancelled. It is therefore

ORDERED, that the hearing scheduled for April 18, 2002, is cancelled and a new hearing shall be set at a later time.

Dated at Pierre, South Dakota, this 17th day of April, 2002.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: *Delaine Kaelo*

Date: 4/17/02

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Robert K. Sahr
ROBERT K. SAHR, Commissioner