

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

IN THE MATTER OF THE FILING BY)	ORDER CANCELLING
HOMESTAKE MINING COMPANY OF)	HEARING
CALIFORNIA REGARDING A REQUEST FOR)	
MEDIATION BETWEEN HOMESTAKE MINING)	EL04-017
COMPANY OF CALIFORNIA AND BLACK)	
HILLS CORPORATION)	

On May 6, 2004, the Public Utilities Commission (Commission) received a filing by Homestake Mining Company of California (Homestake) of a Request for Mediation between Homestake and Black Hills Corporation d/b/a Black Hills Power and Light Company (Black Hills). The filing requests "resolution" by the Commission of the dispute which has arisen in the course of the parties' efforts to renegotiate the Contract Capacity under Paragraph 5.5, "Substantial Decrease in Load," of the Electric Power Service Agreement between Homestake and Black Hills. By stipulation of the parties, the date for Black Hills to file a response to Homestake's Request for Mediation was June 7, 2004, and on June 7, 2004, Black Hills filed its response in this matter. On June 7, 2004, Homestake also filed a submittal which included an additional claim that it was entitled to the Substation Ownership Discount under Black Hills's filed Rate No. GL-13.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A, specifically, 49-34A-4, 49-34A-6, 49-34A-8, 49-34A-8.3, 49-34A-10, 49-34A-11, 49-34A-26 and 49-34A-27 and ARSD Chapter 20:10:01 and 20:10:13, particularly 20:10:13:09 and 20:10:13:10.

By order dated July 15, 2004, a hearing was scheduled for August 17, 2004, beginning at 11:00 A.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. By agreement of the parties to accommodate additional discovery and case preparation, the hearing is cancelled and will be rescheduled at a later date. It is therefore

ORDERED, that the hearing scheduled for August 17, 2004, is cancelled and will be rescheduled at a later date.

Dated at Pierre, South Dakota, this 10th day of August, 2004.

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: <u>Rebecca Kalbo</u>
Date: <u>8/10/04</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman *dk*

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner