

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

**IN THE MATTER OF THE COMPLAINT FILED) ORDER GRANTING MOTION
BY SUPERIOR RENEWABLE ENERGY LLC ET) FOR CONTINUANCE
AL. AGAINST MONTANA-DAKOTA UTILITIES)
CO. REGARDING THE JAVA WIND PROJECT) EL04-016**

On May 12, 2004, Superior Renewable Energy LLC and its wholly owned subsidiary, Java LLC, (Superior) filed a complaint (Complaint) requesting the Commission to settle a dispute regarding the long term purchase price of electricity generated from a Qualified Facility pursuant to the Public Utility Regulatory Policy Act of 1978.

On May 13, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of May 28, 2004, to interested individuals and entities. On May 27, 2004, the Commission received a Petition to Intervene from Montana-Dakota Utilities Co. (MDU). At its regularly scheduled meeting on June 8, 2004, the Commission granted intervention to MDU. On June 15, 2004, the Commission received a Petition to Intervene Out of Time from MidAmerican Energy Company (MidAmerican), on June 17, 2004, the Commission received a late-filed Petition to Intervene from NorthWestern Corporation (NorthWestern), and on June 18, 2004, the Commission received a late-filed Petition to Intervene from Black Hills Power, Inc. (BHP). At its regularly scheduled meeting on June 22, 2004, the Commission granted intervention to MidAmerican, NorthWestern and BHP. On July 16, 2004, the Commission received a late-filed Petition to Intervene from Northern States Power Company d/b/a Xcel Energy (Xcel). At its regularly scheduled meeting on August 17, 2004, the Commission granted intervention to Xcel.

By order dated May 26, 2005, a hearing was scheduled for 10:00 A.M. on August 2, 2005, and continuing at 8:30 A.M. on August 3-5, 2005, in Room 412 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota. On July 21, 2005, the Commission received a Motion for Continuance from Superior.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A, specifically § 49-34A-26, ARSD 20:10:01, 16 U.S.C. Chapters 12 and 46, particularly §§ 824a-3 and 2601-2645 and 18 C.F.R. Part 292.

At its regularly scheduled meeting of July 28, 2005, the Commission considered the Motion for Continuance. The Commission voted to grant the Motion for Continuance. It is therefore

ORDERED, that the Motion for Continuance is granted.

Dated at Pierre, South Dakota, this 2nd day of August, 2005.

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> Melaine Kolbo </u>
Date: <u> 8/3/05 </u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

 Gary Hanson
GARY HANSON, Chairman

 Robert K. Sahr
ROBERT K. SAHR, Commissioner

 Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner