

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

**IN THE MATTER OF THE FILING BY BLACK)
HILLS POWER, INC. FOR APPROVAL OF A)
CONTRACT WITH DEVIATIONS WITH BLACK)
HILLS CHAIR LIFT COMPANY D.B.A TERRY)
PEAK SKI AREA)**

**ORDER GRANTING
REQUEST TO WITHDRAW
FILING**

EL04-037

On November 23, 2004, the Public Utilities Commission (Commission) received an application from Black Hills Power, Inc. (BHP) for approval of a contract with deviations to provide energy storage service which deviates from the rates, terms and conditions of its regular tariffed energy storage service rate. BHP explained that because of the unique operational characteristics of Black Hills Chair Lift, this contract is appropriate for the continuation of service to this facility.

On November 25, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of December 10, 2004, to interested individuals and entities. No petitions to intervene or comments were filed. On July 25, 2006, the Commission received an e-mail from BHP requesting that its filing be withdrawn.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-34A and ARSD 20:10:01:02.04.

At a regularly scheduled meeting of August 8, 2006, the Commission considered the request that BHP's filing be withdrawn. The Commission voted to grant the request to withdraw the filing. It is therefore

ORDERED, that the request to withdraw the filing shall be granted.

Dated at Pierre, South Dakota, this 24th day of August, 2006.

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| 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>Delaine Kolbo</u> |
| Date: <u>8/25/06</u> |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner

Gary Hanson
GARY HANSON, Commissioner