

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

**IN THE MATTER OF THE CONSIDERATION
OF THE NEW PURPA STANDARDS**

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**ORDER GRANTING
INTERVENTION**

EL08-028

On December 19, 2007, the President signed the Energy Independence and Security Act of 2007 (EISA) into law. The EISA includes four new federal standards to PURPA for state commissions and utilities to consider. They are (1) Integrated Resource Planning, (2) Rate Design Modification to Promote Energy Efficiency Investments, (3) Consideration of Smart Grid Investments, and (4) Smart Grid Information. The Commission must consider these standards and make a specific determination on whether their implementation is appropriate to encourage the conservation of energy supplied by electric utilities, optimal efficiencies of electric utility facilities and resources, and equitable rates for electric consumers.

At its November 25, 2008, meeting, the Commission considered this matter. Staff recommended that the Commission open a docket to consider the standards, use the December 19, 2009 deadline for all of the standards, conduct an initial paper hearing, and have Staff work with Commission Counsel to set a procedural schedule after time for intervention has run. The Commission unanimously voted to open a docket to consider the four new PURPA standards by December 19, 2009, and set an intervention deadline of December 31, 2008.

On December 22, 2008, the Commission received Petitions to Intervene from Montana-Dakota Utilities Co. (MDU) and Otter Tail Corporation d/b/a Otter Tail Power Company (OTP). On December 23, 2008, the Commission received a Petition to Intervene from MidAmerican Energy Company (MidAmerican). On December 24, 2008, the Commission received a Petition to Intervene from Xcel Energy (Xcel). On December 30, 2008, the Commission received Petitions to Intervene from NorthWestern Corporation d/b/a NorthWestern Energy (NWE) and Black Hills Power, Inc. (BHP).

The Commission has jurisdiction over this matter pursuant to SDCL chapter 49-34A, specifically 49-34A-93, and the EISA.

At a regularly scheduled meeting of January 27, 2009, the Commission found that the Petitions to Intervene demonstrated good cause to grant intervention. It is therefore

ORDERED, that the Petitions to Intervene of MDU, OTP, MidAmerican, Xcel, NWE and BHP are hereby granted.

Dated at Pierre, South Dakota, this 5th day of February, 2009.

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, electronically.

By: Alaine Kolbo

Date: 2/5/09

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner