

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

IN THE MATTER OF THE APPLICATION OF)	ORDER OF ASSESSMENT
BLACK HILLS POWER, INC. FOR AUTHORITY)	OF FILING FEE AND
TO INCREASE ITS ELECTRIC RATES)	SUSPENSION OF
)	IMPOSITION OF TARIFF
)	EL09-018

On September 30, 2009, Black Hills Power, Inc. (BHP), filed with the Public Utilities Commission (Commission) for approval to increase rates for electric service to customers in its South Dakota service territory. BHP states that it proposes to increase rates by approximately \$32 million annually or approximately 26.6% based on BHP's test year ending June 30, 2009. The company states a typical residential electric customer using 600 kWh per month would see a net increase of \$17.99 per month. The proposed rates may potentially affect approximately 64,100 customers in BHP's service territory.

SDCL 49-1A-8 authorizes the Commission to require a deposit of up to one hundred thousand dollars (\$100,000) in the South Dakota Public Utilities Commission's (SDPUC) regulatory assessment fee fund to defray Commission expenses incident to analyzing and ruling upon this type of filing. The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-1A, 49-34A and ARSD 20:10:01:15.02 and 20:10:01:15.03.

At its regularly scheduled meeting of October 20, 2009, the Commission considered this matter. The Commission found that pursuant to SDCL 49-1A-8, BHP shall be assessed a filing fee as requested by the Commission up to the statutory limit of \$100,000. Further, an intervention deadline of November 20, 2009, has been established. Pursuant to SDCL 49-34A-14, the Commission suspended the operation of the schedule of rates proposed by BHP for 180 days beyond September 30, 2009. It is therefore

ORDERED, that BHP shall deposit a filing fee, to be established by the Commission, in the SDPUC regulatory assessment fee fund and shall deposit any additional amounts as requested by the Commission, not to exceed the statutory limit; it is further

ORDERED, that the proposed schedule of rates shall be suspended for 180 days beyond September 30, 2009, pursuant to SDCL 49-34A-14; and it is further

ORDERED, that the deadline for filing petitions to intervene in this case is November 20, 2009.

Dated at Pierre, South Dakota, this 3rd day of November, 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: *Melaine Kaeb*

Date: 11/4/09

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner