

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

IN THE MATTER OF THE APPLICATION)	PROCEDURAL ORDER REGARDING
OF BLACK HILLS POWER, INC., FOR)	PRE-HEARING MATTERS
AUTHORITY TO INCREASE ITS)	
ELECTRIC RATES)	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.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 49-34A, specifically 49-34A-4, 49-34A-6, 49-34A-8, 49-34A-10, 49-34A-11, 49-34A-12, 49-34A-14, 49-34A-17, 49-34A-19 and 49-34A-21.

On May 14, 2010, the Commission received a Joint Motion for Approval of Settlement Stipulation and Settlement Stipulation between BHP and Commission Staff. On May 19, 2010, the Commission received a Brief in Opposition to Joint Motion for Approval of Settlement Stipulation from the Residential Consumers Coalition. On May 25, 2010, Chairman Johnson filed a letter requesting an Ad Hoc Commission meeting on May 27, 2010, to consider procedural matters. On May 25, 2010, BHP filed a Brief in Reply to Opposition to Joint Motion for Approval of Settlement Stipulation, filed on behalf of the three residential intervenors in this docket and the South Dakota Peace and Justice Center. On May 26, 2010, Staff filed a letter as a response to the Residential Consumers Coalition's Brief in Opposition to Joint Motion for Approval of Settlement Stipulation and BHP Brief in Reply to Opposition to Joint Motion for Approval of Settlement Stipulation.

At its regularly scheduled meeting of June 1, 2010, the Commission considered this matter. The Commission voted unanimously that the issue to be determined at the hearing commencing on June 28, 2010, shall be whether the rates, terms and conditions set forth the Settlement Stipulation are just and reasonable and in accordance with the standards set forth in SDCL 49-34A-8. The following procedural schedule is set:

1. On or before June 17, 2010, each party and Commission Staff shall file with the Commission the following described documents:
 - A. A list of witnesses that each party and Staff intends to call at hearing, and for each witness, a brief summary of the proposed testimony (other than matters in the pre-filed testimony of such witness) which specifies the issue(s) to which the testimony will be directed.
 - B. An exhibit list setting forth the numbering of their exhibits and a brief description of each exhibit, including all pre-filed testimonies and exhibits that will be adopted

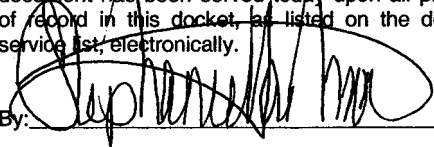
by testifying witnesses. Upon request by opposing counsel, a party shall provide a copy to opposing counsel of any exhibits that have not been previously served or provided to the parties or Staff.

- C. A detailed summary of the specific remaining issues of fact and law for determination by the Commission.
- D. The parties and Staff shall meet and prepare a current summary of uncontroverted and stipulated facts entitled "Stipulated Summary of Uncontroverted Facts," which shall be filed jointly by all the parties rather than individually.

2. A Pre-hearing Conference shall be held on June 21, 2010 at 11:00a.m. CDT. Counsel may participate by telephone.

3. An Exhibit conference shall be held at 8:30 am on Monday, June 28, 2010, immediately prior to the start of scheduled hearing.

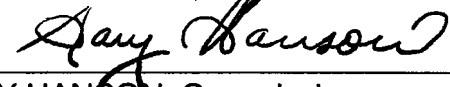
Dated at Pierre, South Dakota, this 8th day of June, 2010.

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: 
Date: <u>06/08/10</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:


DUSTIN M. JOHNSON, Chairman


STEVE KOLBECK, Commissioner


GARY HANSON, Commissioner