BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE REQUEST OF XCEL ENERGY TO TAKE ACTION PROHIBITING THE OPERATION OF AGGREGATORS OF RETAIL CUSTOMERS IN SOUTH DAKOTA	)	**ORDER PROHIBITING CUSTOMERS AND AGGREGATORS FROM PARTICIPATING IN WHOLESALE ELECTRIC MARKETS**
	)	**EL10-003**

On March 29, 2010, Xcel requested the Commission open a docket and take action preventing Aggregators of Retail Customers (ARCs) from beginning operations on June 1, 2010. In the filing Xcel also referenced comments submitted to the Commission in a March 1, 2010, letter as supporting evidence.

On April 1, 2010, the Commission electronically transmitted notice of the filing and the intervention deadline of April 16, 2010, to interested individuals and entities. On April 16, 2010, the Commission received a Petition to Intervene from MidAmerican Energy Company (MidAmerican). On May 18, 2010, the Commission granted intervention to MidAmerican.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-34A and ARSD 20:10:13.

At a regularly scheduled meeting of May 18, 2010, the Commission considered this matter. The Commission voted unanimously to prohibit the demand response load reductions of retail customers of South Dakota regulated electric utilities from being bid or transferred into any wholesale market, either directly or through an aggregator of retail customers, until further order of the Commission, effectively immediately. It is therefore

ORDERED, that effective immediately the demand response load reductions of retail customers of South Dakota regulated electric utilities are prohibited from being bid or transferred into any wholesale market, either directly or through an aggregator of retail customers, until further action of the Commission.

Dated at Pierre, South Dakota, this 25th day of May, 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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: [signature]

Date: 05/25/10

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

[signature]
DUSTIN M. JOHNSON, Chairman

[signature]
STEVE KOLBECK, Commissioner

[signature]
GARY HANSON, Commissioner