

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

IN THE MATTER OF THE PETITION OF)
BLACK HILLS POWER, INC. TO)
ESTABLISH AN ENVIRONMENTAL)
MEASURES COST RECOVERY TARIFF)
)
)

**ORDER GRANTING JOINT
MOTION FOR APPROVAL OF
THIRD AMENDMENT TO
SETTLEMENT STIPULATION**

EL11-001

On January 25, 2011, the South Dakota Public Utilities Commission (Commission) received a petition from Black Hills Power, Inc. (BHP) requesting the Commission to approve its tariff filing establishing an Environmental Improvement Adjustment (EIA) pursuant to SDCL 49-34A-97 through 49-34A-100. On June 17, 2011, the Commission issued an Order Approving Joint Motion for Approval of Settlement Stipulation and Approving Tariffs. The Settlement Stipulation required BHP to submit an annual informational report of its South Dakota jurisdictional financial condition for the preceding calendar year. On May 11, 2012, Commission Staff filed an Amendment to the Settlement Stipulation. On May 24, 2012, the Commission issued an Order Approving the Amendment to the Settlement Stipulation that changed the report submission deadline to April 15th of each year. On May 14, 2013, BHP and Commission Staff filed a Joint Motion for Approval of Third Amendment to Settlement Stipulation. The Third Amendment to the Settlement Stipulation provides an exception for the Annual Report of South Dakota Jurisdictional Financial Condition requirement if BHP has a pending or recently completed rate case on file with the Commission.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-1A, and 49-34A, specifically SDCL §§ 49-34A-97 through 49-34A-100; and ARSD 20:10:01:19.

At its regularly scheduled meeting on May 21, 2013, the Commission considered this matter. The Commission voted unanimously to grant the Joint Motion for Approval of Third Amendment to Settlement Stipulation. It is therefore

ORDERED, that the Joint Motion for Approval of Third Amendment to Settlement Stipulation is granted.

Dated at Pierre, South Dakota, this 22nd day of May, 2013.

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: <u>[Signature]</u>
Date: <u>5.22.13</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

[Signature: Gary Hanson]
GARY HANSON, Chairman

[Signature: Chris Nelson]
CHRIS NELSON, Commissioner

[Signature: Kristie Fiegen]
KRISTIE FIEGEN, Commissioner