

013235173

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

**IN THE MATTER OF THE APPLICATION OF) ORDER AND NOTICE OF
MIDWEST POWER TO INCREASE ELECTRIC) HEARING
RATES IN SOUTH DAKOTA)
)) EL95-011**

On May 16, 1995, Midwest Power, a division of Midwest Power Systems, Inc. (Midwest) filed with the Public Utilities Commission (Commission) an application for approval to increase its rates for electric service.

The Company proposes a total increase of \$346,176. Midwest states the revised rate schedules would produce an annual increase in South Dakota electric revenue to Midwest of approximately 8.4% based on the test year ending December 31, 1994, as adjusted. The rate increase was proposed to become effective August 1, 1995, and would affect approximately 2,600 South Dakota electric customers. Midwest asserts the reasons for the proposed change in electric rates are increased operating expenses since Midwest's last general increase was decided 2-24-84.

At a regularly scheduled meeting of May 30, 1995, the Commission reviewed Midwest's filing. The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-34A, specifically, SDCL 49-34A-4, 49-34A-6, 49-34A-8, 49-34A-10, 49-34A-11, 49-34A-12, 49-34A-13, 49-34A-13.1, 49-34A-19, 49-34A-19.2 and 49-34A-21.

The Commission held that any individual or entity could file a petition to intervene pursuant to SDCL 1-26-17.1 and ARSD 20:10:01:15.02 and .03, or could comment on the merits of Midwest's filing on or before June 30, 1995. No parties sought intervention.

A procedural schedule was set on June 29, 1995, amended on August 24, 1995, and suspended on August 31, 1995.

THE ISSUE AT THE HEARING IS WHETHER THE SETTLEMENT STIPULATION ENTERED INTO BETWEEN COMMISSION STAFF AND MIDWEST SHALL BE ACCEPTED AND APPROVED.

The hearing is an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to attend and represent themselves or be represented by an attorney. However, such rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to

appear at the time and place set for the hearing, the Final Decision will be based solely on testimony and evidence provided, if any, during the hearing, or a Final Decision may be issued by default pursuant to SDCL 1-26-20. It is therefore

ORDERED that the Hearing in this matter shall be held on November 20, 1995 at 1:30 p.m. in Room 413, State Capitol Building, Pierre, SD.

Dated at Pierre, South Dakota, this 15 day of November, 1995.

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: 11-15-95

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:
Commissioners Stofferahn, Burg,
Schoenfelder

[Signature]
WILLIAM BULLARD, JR.
Executive Director