

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

**IN THE MATTER OF THE APPLICATION OF)
MIDWEST POWER TO INCREASE ELECTRIC)
RATES IN SOUTH DAKOTA.)**

**ORDER FOR AND NOTICE)
OF OPPORTUNITY TO)
INTERVENE OR COMMENT)
AND ASSESSMENT OF A)
FILING FEE AND SETTING)
PROCEDURAL SCHEDULE)**

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 is proposed to become effective August 1, 1995, and will 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 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 finds that any individual or entity may file a petition to intervene pursuant to SDCL 1-26-17.1 and ARSD 20:10:01:15.02 and .03, or may comment on the merits of Midwest's filing on or before June 30, 1995.

The Commission further finds that pursuant to SDCL 49-1A-8, Midwest is required to deposit up to one hundred thousand dollars (\$100,000) in the South Dakota Public Utilities Commission (SDPUC) rate case fund to defray hearing expenses incident to the application. The deposit is to be paid in installments when requested by the Executive Director.

The Commission further finds that good cause exists to set a procedural schedule pursuant to the Commission's jurisdiction under SDCL Chapters 1-26 and 49-34A, specifically SDCL 1-26-16, 1-26-17, 49-34A-13.1 and ARSD 20:10:01:15.06 and 20:10:01:22.02.

The procedural schedule shall be as follows:

DATE

PROCEDURAL SCHEDULE

September 1, 1995	Staff and Intervenor's Prefiled Testimony
September 15, 1995	Midwest's Prefiled Rebuttal Testimony (Optional)
September 27, 28 and 29	Hearing

The hearing before the Commission shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties shall have the right to be present and to be represented by an attorney or legal assistant (paralegal); however, such rights and other due process rights shall be forfeited if not exercised at the hearing. As a result of the hearing, Midwest's tariff and rates may be changed. The Commission's decision based on the hearing may be appealed by the parties to the State Circuit Court and the State Supreme Court as provided by law. It is therefore.

ORDERED, that any individual or entity may file with the Commission a petition to intervene or may comment in this matter on or before Friday, June 30, 1995; and it is

FURTHER ORDERED, that Midwest deposit up to one hundred thousand dollars (\$100,000) in the SDPUC rate case fund when requested by the Executive Director; and it is

FURTHER ORDERED, that a hearing shall be held on September 27, 28, and 29, 1995, to begin at 10 a.m. CDT at a location to be determined; and it is

FURTHER ORDERED, that the procedural schedule set forth above shall be followed by all parties to these proceedings.

Dated at Pierre, South Dakota, this 29th day of June, 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	<u>[Signature]</u>
Date	<u>June 29, 1995</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

[Signature]
KENNETH STOFFERAHN, Chairman

[Signature]
JAMES A. BURG, Commissioner

[Signature]
LASKA SCHOENFELDER, Commissioner