

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

IN THE MATTER OF THE)	
APPLICATION OF BLACK HILLS)	
POWER, INC., FOR AUTHORITY TO)	Docket No. EL09-018
INCREASE ITS ELECTRIC RATES)	
)	

SUMMARY OF REMAINING ISSUES OF FACT AND LAW

COME NOW CARLA KOCK, BOBBIE HANDLEY, LILIAS JARDING, and the SOUTH DAKOTA PEACE & JUSTICE CENTER (collectively “Residential Consumers Coalition”, or “RCC”), by and through counsel, and, pursuant to the Commission’s Order of June 8, 2010, hereby submit the following Summary of Remaining Issues of Fact and Law:

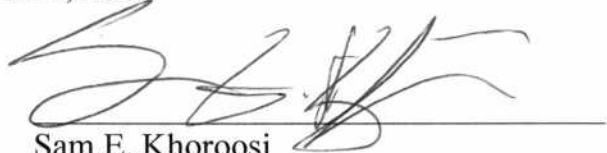
General Issue

The general issue that the Commission must decide is whether the Utility has proved that the Settlement Stipulation into which the Utility and the Commission Staff have entered is just and reasonable pursuant to SDCL § 49-34A-11. It is the contention of the RCC that the Utility cannot meet this burden. The issues cited below represent the primary contentions of the Residential Consumers Coalition. By outlining the sub-issues below, the RCC does not concede any other issue of fact or law that is not stipulated in the parties’ Stipulated Summary of Uncontroverted Facts.

Sub-Issues

1. Whether the Utility has met its burden of showing that it is just and reasonable to include Wygen III in the rate base.
2. Whether the Utility has met its burden of showing that the rate of return derived from the stipulated return on equity results in just and reasonable rates.

Respectfully submitted this 17th day of June, 2010.



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