

**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 Increase Its Electric
Rates

Docket No. EL09-018

**PETITION TO INTERVENE
OF DAKOTA PANEL, GCC DACOTAH, INC.,
RUSHMORE FOREST PRODUCTS, INC.,
SANFORD UNDERGROUND LABORATORY,
AND SPEARFISH FOREST PRODUCTS, INC.**

Countertops, Inc., d/b/a Dakota Panel South Dakota, GCC Dacotah, Inc., Rushmore Forest Products, Inc., Sanford Underground Laboratory and Spearfish Forest Products, Inc. (collectively "Black Hills Industrial Intervenors") hereby petition for leave to intervene as parties in the above entitled matter.

Countertops, Inc., d/b/a Dakota Panel South Dakota ("Dakota Panel"), operates a particleboard manufacturing plant located in Rapid City, South Dakota. This plant formerly was the Merillat Particleboard Plant owned and operated by the Masco Corporation.

GCC Dacotah, Inc. ("GCC") is a cement producer located in Rapid City, South Dakota. Its parent company is Grupo Cementos de Chihuahua, S.A. de C.V, which is headquartered in Mexico. Grupo Cementos de Chihuahua produces cement, ready-mixed concrete, limestone aggregates, concrete block and gypsum, and has an important presence, through U.S. subsidiary companies, in seven states in the United States and in the state of Chihuahua in Mexico. GCC was formed on March 16, 2001, in order to acquire the South Dakota State Cement Plant facility located in Rapid City, South Dakota. GCC markets and sells cement in nine states and distributes its cement through a network of distribution terminals located in South Dakota, Wyoming, and Colorado.

Rushmore Forest Products, Inc. ("Rushmore") is located in Hill City, South Dakota. This is a Ponderosa Pine sawmill that produces lumber and other premium Ponderosa Pine building products. Rushmore is a subsidiary of Neiman Enterprises which acquired the Hill City mill in 1998.

Sanford Underground Laboratory ("Sanford") is a laboratory located 4,850 feet underground in the former Homestake gold mine in Lead, South Dakota. The Sanford Laboratory will host a broad range of experiments at several levels of the former gold mine, from the surface to 4,850 feet underground. Dr. Ray Davis of Brookhaven National Laboratory built his solar-neutrino detector at the 4850 Level, and in 2002 he was awarded the Nobel Prize for discoveries that changed the course of physics. A new "dark matter" experiment already is planned for the Davis Cavern. Large amounts of electrical power are required by the laboratory, mainly for pumping water out of the former mine caverns and shafts.

Spearfish Forest Products, Inc. ("Spearfish") is located in Spearfish, South Dakota. This company is also a subsidiary of Neiman Enterprises. This too is a Ponderosa Pine processing facility that includes a sawmill, drying kiln, and planer for manufacturing premium Ponderosa Pine building products. In addition, this facility also includes a renewable fuel manufacturing facility, a 45,000 ton per year wood pellet facility (with its product marketed as Heartland Pellets). The Spearfish facilities were acquired by Neiman Enterprises in 2008 from Pope & Talbot.

Each of the Black Hills Industrial Intervenors is a major industrial user of power produced and sold to them at retail by Black Hills Power, Inc. ("BHP"). Collectively, the Black Hills Industrial Intervenors seek to intervene in this matter because the proposed rate increase of Black Hills Power, Inc.'s ("BHP"), will greatly increase the cost of doing business for each of these companies at a time when they are under considerable economic stress. Black Hills Industrial Intervenors believe their interests in this proceeding are unique and may well not be adequately addressed by other intervenors. Based on the current service list available on the South Dakota Public Utilities Commission's website, it is not apparent that there are any other customer parties to this case, and no other large industrial customers are parties. Black Hills Industrial Intervenors' participation in this matter will not disadvantage or burden any other

party. Therefore, Black Hills Industrial Intervenors ask that their petition be granted.

This filing also constitutes a Notice of Appearance of Charles P. Schroyer of Schmidt, Schroyer, Moreno, Lee & Bachand, P.C. of Pierre, South Dakota as well as of Robert S. Lee and Andrew P. Moratzka, of the law firm of Mackall, Crouse & Moore, PLC in Minneapolis, Minnesota who will jointly act as the attorneys for Black Hills Industrial Intervenors in this proceeding.

Dated this 5th day of November, 2009.

Respectfully submitted,



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