

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

<b>IN THE MATTER OF THE</b>	)	
<b>COMPLAINT OF ENERGY OF UTAH</b>	)	
<b>LLC, AND FALL RIVER SOLAR, LLC</b>	)	<b>Docket No. EL 18-038</b>
<b>AGAINST BLACK HILLS POWER</b>	)	<b>BLACK HILLS POWER’S MOTION TO</b>
<b>INC. DBA BLACK HILLS ENERGY</b>	)	<b>CONTINUE ADMINISTRATIVE</b>
<b>FOR DETERMINATION OF</b>	)	<b>HEARING AND SCHEDULING ORDER</b>
<b>AVOIDED COSTS</b>	)	
	)	
	)	
	)	

Black Hills Power, Inc., d/b/a Black Hills Energy (BHE), by and through its counsel of record, hereby makes this Motion to Continue Administrative Hearing and Schedule Order in this matter, which administrative hearing is currently set for June 3-4, 2020 in Pierre, South Dakota. In light of this motion, BHE also moves for a continuance of the current Scheduling Order which would move the prehearing motions deadline to a time consistent with the new administrative hearing date. BHE’s motion is made in good faith, and not for the purpose of delay, but in recognition of the COVID-19 pandemic and the risks associated with close proximity gatherings and travel for its own employees and other hearing participants.

BHE’s corporate parent, Black Hills Corporation, has taken significant steps to protect its employees and customers against the spread of COVID-19. Until further notice, all BHC employees are to limit business travel “to essential travel only.” Essential travel is defined as “travel required to ensure customer safety and reliability.” The current hearing does not impact either customer safety or system reliability. If a hearing were to occur, as scheduled, approximately four BHE employees would need to travel to Pierre, South Dakota with overnight stays in hotel accommodations. These same employees would then return home to their families and need to make decisions as to further quarantine for themselves and their families based on the recent travel. In addition, there are at least three witnesses located in three different locations

that would require air travel for attendance. Air travel and attendance by these witnesses would expose all individuals in attendance at the hearing to the enhanced risks associated with air travel occurring from three different locations immediately before the hearing. Finally, though recognized in orders specifically entered by the Sixth Judicial Circuit rather than the Commission, BHE would also point out that there are a number of judicial orders which remain in place related to circuit court proceedings, which recognized the significant risks posed and that would further support this motion, including but not limited to the automatic grant of continuance if a proceeding would require the attendance of a high risk individual.

Though BHE does not seek to delay this matter further, given the facts and circumstances presented, a continuance of the administrative hearing is the only practical or reasonable alternative that appropriately considers the health and safety of all participants, including the Commission, its staff, and the parties involved. BHE would ask, if at all possible, for an expedited telephonic hearing on its Motion so that all of the parties can plan accordingly. If that is not feasible, it would ask that the matter be heard at the May 12, 2020 Commission meeting.

WHEREFORE, BHE respectfully moves the Commission for the following:

1. Continue the administrative trial currently set for June 3-4, 2020;
2. Continue the current scheduling order and specifically the date for prehearing motions to a date consistent with a rescheduled hearing; and
3. Order the parties to work together in good faith to set a new administrative hearing date in this matter.

Dated this 29<sup>th</sup> day of April, 2020.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> day of April, 2020, I served the foregoing Black Hills Power's Motion to Continue Administrative Hearing and Scheduling Order by email to the following:

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