



April 12, 2021

Public Utilities Commission  
Capitol Building, 1st Floor  
500 E. Capitol Ave.  
Pierre, SD 57501-5070

Subject: Request to Intervene in Docket EL21-011 and Request for Clarification

Xanterra Parks & Resorts, Inc. (Xanterra) wishes to intervene in Docket EL21-011 brought by Black Hills Power, Inc. (BHE) to Amend its Cogeneration and Small Power Production Service Tariff. Xanterra may be directly and adversely impacted by this change if this change is allowed to proceed without modification. Unfortunately, we did not receive any official notice of this proposed change from BHE and only recently became aware of it. Xanterra therefore requests intervenor status in this matter despite missing the April 9<sup>th</sup> deadline.

Xanterra is a concession operator at Mount Rushmore National Memorial. Partially in response to requirements from the National Park Service (NPS), Xanterra took many actions to reduce the greenhouse gas emissions caused by its operations. After signing an interconnection agreement with BHE, Xanterra started operation of the new 346 kW Thomas Jefferson Solar Canopy as a "behind-the-meter," "Qualified Facility" in January, 2019. This photovoltaic array was sized to provide approximately half of the annual electricity consumption of the Mount Rushmore National Memorial concession building operated by Xanterra, with some periods of excess electricity generation sold to BHE. Because this system exceeded the 100 kW maximum of the Cogeneration and Small Power Production tariff at the time, Xanterra and BHE signed a Power Purchase Agreement (PPA) to regulate the connection of this system to the grid and sale of excess energy to BHE. At the request of the NPS, the term of this PPA expires on October, 14, 2026, and at that time all parties anticipated a new PPA would be executed for a subsequent term considered appropriate by the NPS.

Xanterra wishes to ensure that its existing 346 kW photovoltaic array will not be regulated by the proposed "QF Service Tariff." The following statements from BHE are relevant to this concern:

- The top of page 2 of the new tariff states: "Any power purchase agreements with customers executed prior to the effective date of this tariff are exempt from the terms herein."
- Jason Keil also states in page 9 of Exhibit 2: "Existing customers with a Qualified Facility interconnected to the Black Hills Power distribution system as of May 31, 2021 will be

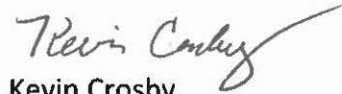
exempt from the terms of the Amended QF Service Tariff until May 31, 2041. If applicable, these established customers will be subject to the terms of their existing Power Purchase Agreement with Black Hills Power and will not be subject to the terms of the QF Service Tariff, including the Energy Payment Rate and Production Meter Charge provisions.”

- Jason Keil also states in page 6 of Exhibit 2: “With the proposed amendment, Black Hills Power is increasing the applicability of this tariff to all qualified small generation facilities and qualified cogeneration facilities of 1MW or less.”
- The application dated March 18, 2021, point 9, states: “The proposed tariff changes will apply throughout the Black Hills Power electric service area in South Dakota for all customers with QF Facilities of 1MW or less.”

Xanterra requests clarification in both BHE’s APPLICATION TO AMEND ITS COGENERATION AND SMALL POWER PRODUCTION SERVICE TARIFF and the associated, revised QF SERVICE TARIFF that all existing facilities are exempted from the new “QF Service Tariff” and “buy all, sell all” mechanism until 2041, regardless of expiration dates of current PPAs. We further request that this exemption apply to all successors, heirs, assigns, etc. operating existing facilities such as the Thomas Jefferson Solar Canopy at Mount Rushmore National Memorial. To fail to do so would cause a significant and unforeseen financial burden on the owners and operators of such systems, inconsistent with original agreements and current PPAs with BHE.

Thank you for your consideration of our requests.

Sincerely,



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