

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

IN THE MATTER OF THE REQUEST BY RUSHMORE)
CROSSING ASSOCIATES, LLC FOR A VARIANCE FROM)
THE INDIVIDUAL METERING REQUIREMENT IN ARSD)
20:10:26:03(1) FOR THE RUSHMORE CROSSING SHOPPING)
CENTER IN RAPID CITY)

ORDER GRANTING
METERING VARIANCE

EL24-019

On May 30, 2024, the South Dakota Public Utilities Commission (Commission) received a request from Rushmore Crossing Associates, LLC (Rushmore Crossing) for a variance of the individual metering requirement contained in ARSD 20:10:26:03(1). Rushmore Crossing requests a variance in order to master meter a multiple occupancy building which consists of two equal spaces of 4,000 square feet each.

On June 3, 2024, the Commission electronically transmitted notice of the filing and a response date of June 18, 2024. On June 3, 2024, Commission staff sent a Notice to Black Hills Energy pursuant to ARSD 20:10:26:06. On June 14, 2024, Rushmore Crossing filed responses to staff's first set of data requests. On June 25, 2024, Black Hills Energy filed responses to staff's first set of data requests and Rushmore Crossing filed responses to staff's second set of data requests. Pursuant to ARSD 20:10:26:06, the deadline to request a hearing was June 18, 2024. No hearing was requested by any party. On July 3, 2024, the Commission issued an Order Granting Request to Defer this matter to the July 19, 2024, commission meeting. On July 12, 2024, Rushmore Crossing filed revised responses to staff's second set of data requests. On July 23, 2024, the Commission issued an Order Extending Time for Final Decision Beyond 60 Days. On August 23, 2024, Rushmore Crossing filed revised responses to staff's second set of data requests and an updated proposal.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-34A, specifically SDCL 49-34A-4, and ARSD Chapter 20:10:26. The Commission may rely upon any or all of these laws or other applicable laws in making its decision.

At its regularly scheduled meeting on September 10, 2024, the Commission considered this matter. Finding that Rushmore Crossing's request for a variance set forth compelling reasons for granting the variance, including cost effectiveness, energy efficiency, and energy conservation effects, the Commission voted 2-1 to grant the request, Commissioner Fiegen dissenting.

It is therefore

ORDERED, that Rushmore Crossing's request for a master metering variance from the individual metering requirements set forth in ARSD 20:10:26:03(1) is hereby granted.

Dated at Pierre, South Dakota, this 11th day of September 2024.

<p>CERTIFICATE OF SERVICE</p> <p>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, electronically or by mail.</p> <p>By: <u>Kristie Fiegen</u></p> <p>Date: <u>11 Sept 2024</u></p>

BY ORDER OF THE COMMISSION:

KRISTIE FIEGEN, Chairperson (dissenting)



GARY HANSON, Commissioner



CHRIS NELSON, Commissioner