

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

IN THE MATTER OF THE REQUEST BY)	ORDER EXTENDING
RUSHMORE CROSSING ASSOCIATES, LLC FOR)	TIME FOR FINAL
A VARIANCE FROM THE INDIVIDUAL METERING)	DECISION BEYOND 60
REQUIREMENTS IN ARSD 20:10:26:03(1) FOR)	DAYS
THE RUSHMORE CROSSING SHOPPING)	
CENTER IN RAPID CITY)	EL24-019

On May 30, 2024, the South Dakota Public Utilities Commission (Commission) received a request by Rushmore Crossing Associates, LLC (Rushmore Crossing) for a Variance from the Individual Metering Requirement in ARSD 20:10:26:03(1) for the Rushmore Crossing Shopping Center in Rapid City. Pursuant to ARSD 20:10:26:05, 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, 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 18, 2024, Commission staff sent data requests to Black Hills Energy and Rushmore Crossing. Pursuant to ARSD 20:10:26:06, the deadline to request a hearing was June 18, 2024. No hearing has been requested by any party. On June 25, 2024, Black Hills Energy filed responses to staff's second set of data requests. On June 25, 2024, Rushmore Crossing filed responses to staff's second set of data requests. On July 3, 2024, the Commission issued an Order Granting Request to Defer this matter to the July 19, 2024, Commission meeting.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-34A, specifically SDCL 49-34A-4, ARSD Chapter 20:10:01, specifically ARSD 20:10:01:22.04, and ARSD Chapter 20:10:26, specifically ARSD 20:10:26:08. The Commission may rely upon any or all of these laws or other applicable laws in making its decision.

Pursuant to ARSD 20:10:26:08, the Commission may extend the time to rule on a variance application beyond 60 days if good cause is shown.

At its regularly scheduled meeting on July 19, 2024, Commissioner Fiegen moved to extend the time for a decision on the application beyond 60 days and, accordingly, to defer the matter to a later date. Finding that good cause was shown to extend the time to rule on the variance application due to the there being a disagreement among the parties as to cost, the Commission voted unanimously to defer this matter to a later date.

It is therefore

ORDERED, that the time to rule on the variance application is extended beyond 60 days. It is further

ORDERED, that the Commission's ruling on the variance application is hereby deferred to a later date.

Dated at Pierre, South Dakota, this 23rd day of July 2024.

CERTIFICATE OF SERVICE

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.

By: *[Signature]*

Date: 23 July 2024

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chi Nelson
CHRIS NELSON, Commissioner