

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

**IN THE MATTER OF THE COMPLAINT FILED) ORDER DENYING PETITION
BY JOHN REINTS, RAPID CITY, SOUTH) TO AMEND COMPLAINT TO
DAKOTA, AGAINST BLACK HILLS POWER) ADD PUNITIVE DAMAGES
REGARDING ITS FLAT MONTHLY CHARGE) CE03-003**

On October 21, 2003, the Public Utilities Commission (Commission) received a complaint filed by John Reints, Rapid City, South Dakota (Complainant), against Black Hills Power (BHP) regarding its flat monthly charge.

On October 21, 2003, the complaint was faxed to BHP. Pursuant to ARSD 20:10:01:09, BHP was notified that it must satisfy the complaint or file an answer in writing with the Commission by November 10, 2003. On October 23, 2003, the Commission received a Petition to Amend Complaint of 19 October 2003 to Add Claim for Putative [sic] Damages (Petition). On October 29, 2003, the Commission received a Motion to Dismiss from BHP and Black Hills Corporation. On November 3, 2003, the Commission received a Request to Deny from BHP and Black Hills Corporation.

On November 4, 2003, at a regularly scheduled meeting, the Commission considered the Petition. The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A. The Commission unanimously voted to deny the Petition on the basis that the Commission does not have authority to grant punitive damages as requested by petitioner. It is therefore

ORDERED, that the Petition is hereby denied.

Dated at Pierre, South Dakota, this 13th day of November, 2003.

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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u><i>Delaine Kalbo</i></u>
Date: <u>11/14/03</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner