

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

IN THE MATTER OF THE COMPLAINT FILED) BY GARY LOUDNER, BLACK HAWK, SOUTH) DAKOTA, AGAINST BLACK HILLS) CORPORATION REGARDING ELECTRICAL) OUTAGES)	ORDER GRANTING REQUEST BY COMMISSION STAFF TO SCHEDULE MOTION TO DISMISS CE08-001
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On June 9, 2008, the Public Utilities Commission (Commission) received a complaint filed by Gary Loudner, Black Hawk, South Dakota (Complainant), against Black Hills Corporation (Black Hills) regarding electrical outages.

On June 12, 2008, the complaint was electronically transmitted to Black Hills. Pursuant to ARSD 20:10:01:09, Black Hills was notified that it must satisfy the complaint or file an answer in writing with the Commission by June 30, 2008. On June 30, 2008, the Commission received an Answer and Motion to Dismiss from Black Hills. On July 14, 2008, the Commission received a Motion to not Consider the Teleco's Motions to Dismiss and Amend Complaint to include Golden West and SDN. On October 2, 2008, the Commission received a Request by Commission Staff to Schedule Motion to Dismiss.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A.

On October 21, 2008, at a regularly scheduled meeting, the Commission considered the Request by Commission Staff to Schedule Motion to Dismiss. The Commission voted unanimously to grant the Request by Commission Staff to Schedule Motion to Dismiss. It is therefore

ORDERED, that the Request by Commission Staff to Schedule Motion to Dismiss is hereby granted.

Dated at Pierre, South Dakota, this 29th day of October, 2008.

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.
By: <u><i>Aldine Kaebo</i></u>
Date: <u>10/29/08</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner
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