

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

IN THE MATTER OF THE FILING BY ) ORDER CLOSING DOCKET  
HOMESTAKE MINING COMPANY OF )  
CALIFORNIA REGARDING A REQUEST FOR ) EL04-017  
MEDIATION BETWEEN HOMESTAKE MINING )  
COMPANY OF CALIFORNIA AND BLACK )  
HILLS CORPORATION )

On May 6, 2004, the Public Utilities Commission (Commission) received a filing by Homestake Mining Company of California (Homestake) of a Request for Mediation between Homestake and Black Hills Corporation d/b/a Black Hills Power and Light Company (Black Hills). The filing requests "resolution" by the Commission of the dispute which has arisen in the course of the parties' efforts to renegotiate the Contract Capacity under Paragraph 5.5, "Substantial Decrease in Load," of the Electric Power Service Agreement between Homestake and Black Hills. By stipulation of the parties, the date for Black Hills to file a response to Homestake's Request for Mediation was June 7, 2004, and on June 7, 2004, Black Hills filed its response in this matter. On June 7, 2004, Homestake also filed a submittal which included an additional claim that it was entitled to the Substation Ownership Discount under Black Hills's filed Rate No. GL-13.

On May 20, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of May 28, 2004, to interested individuals and entities. No petitions to intervene or comments were filed.

By letter dated August 11, 2004, Black Hills informed Commission Staff that the parties had reached a resolution pursuant to the existing contract and have requested the docket be closed. The parties submitted a letter agreement dated August 6, 2004, explaining the resolution.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A, specifically, 49-34A-4, 49-34A-6, 49-34A-8, 49-34A-8.3, 49-34A-10, 49-34A-11, 49-34A-26 and 49-34A-27 and ARSD Chapters 20:10:01 and 20:10:13, particularly ARSD 20:10:13:09 and 20:10:13:10.

At a regularly scheduled August 31, 2004, meeting, the Commission considered this matter. The Commission voted unanimously to close the docket. It is therefore

ORDERED, that the docket shall be closed.

Dated at Pierre, South Dakota, this 7<sup>th</sup> day of September, 2004.

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>Neilson Kalbo</u>
Date:	<u>9/7/04</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert K. Sahr

ROBERT K. SAHR, Chairman

James A. Burg

JAMES A. BURG, Commissioner