

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

IN THE MATTER OF THE FILING BY TRK) ORDER DENYING REQUEST
DEVELOPMENT, INC. FOR AN ELECTRIC) FOR VARIANCE AND
MASTER METERING VARIANCE) CLOSING DOCKET
) EL04-023

On June 21, 2004, TRK Development, Inc. (TRK) filed a request for a variance of the individual metering requirement contained in ARSD 20:10:26. TRK Development is designing a building for affordable housing funded under the South Dakota Housing Development Authority's tax credit program. The building is designed to have the owner pay the electric service for each unit and therefore TRK is requesting to master meter the electric for the building.

On July 20, 2004, at its regularly scheduled meeting, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL 49-34A and ARSD 20:10:26.

The Commission finds that TRK's application does not fall within an exception in ARSD Chapter 20:10:26 which would allow a variance from master metering. As the Commission's final decision in this matter, Commissioner Sahr dissenting, it is therefore

ORDERED, that TRK's request for a master metering variance is denied and this docket is closed.

PLEASE TAKE NOTICE that this Final Decision and Order was duly entered on this 27th day of September, 2004. Pursuant to SDCL 1-26-32, this Final Decision and Order will take effect 10 days after the date of receipt or failure to accept delivery of the decision by the parties. Pursuant to ARSD 20:10:01:30.01, an application for a rehearing or reconsideration may be made by filing a written petition therefor and ten copies with the Commission within 30 days from the date of issuance of this Final Decision and Order.

Dated at Pierre, South Dakota, this 27th 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>Delaine Kelbo</u>
Date: <u>9/27/04</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

ROBERT K. SAHR, Chairman, dissenting

Gary Hanson
GARY HANSON, Commissioner

James A. Burg
JAMES A. BURG, Commissioner