

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

IN THE MATTER OF THE APPLICATION OF)
OTTER TAIL CORPORATION D/B/A OTTER)
TAIL POWER COMPANY FOR AUTHORITY TO)
INCREASE ITS ELECTRIC RATES)

ORDER OF ASSESSMENT
OF FILING FEE AND
SUSPENSION OF
IMPOSITION OF TARIFF
EL08-030

On October 31, 2008, Otter Tail Corporation d/b/a Otter Tail Power Company (OTP), filed with the Public Utilities Commission (Commission) an application to increase rates for electric service to customers in its service territory by \$3,883,399 annually or approximately 15.3% based on OTP's 2007 test year. The company states the proposed increase for a residential customer would be \$10.68 per month or 15.0%. The proposed rates may potentially affect approximately 11,700 customers in OTP's service territory.

SDCL 49-1A-8 authorizes the Commission to require a deposit of up to one hundred thousand dollars (\$100,000) in the South Dakota Public Utilities Commission's (SDPUC) regulatory assessment fee fund to defray Commission expenses incident to analyzing and ruling upon this type of filing. The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-1A, 49-34A and ARSD 20:10:01:15.02 and 20:10:01:15.03.

At its regularly scheduled meeting of November 25, 2008, the Commission considered this matter. The Commission found that pursuant to SDCL 49-1A-8, OTP shall be assessed a filing fee as requested by the deputy executive director up to the statutory limit of \$100,000. Further, an intervention deadline of December 19, 2008, has been established. Pursuant to SDCL 49-34A-14, the Commission suspended the operation of the schedule of rates proposed by OTP for 90 days beyond November 30, 2008. It is therefore

ORDERED, that OTP shall deposit a filing fee, to be established by the deputy executive director, in the SDPUC regulatory assessment fee fund and shall deposit any additional amounts as requested by the deputy executive director, not to exceed the statutory limit; it is further

ORDERED, that the proposed schedule of rates shall be suspended for 90 days beyond November 30, 2008, pursuant to SDCL 49-34A-14; and it is further

ORDERED, that the deadline for filing petitions to intervene in this case is December 19, 2008.

Dated at Pierre, South Dakota, this 9th day of December, 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>Delaine Karbo</u>
Date: <u>12/9/08</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