BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION OF BLACK HILLS POWER, INC. TO ESTABLISH AN ENVIRONMENTAL MEASURES COST RECOVERY TARIFF	)))))	**ORDER ASSESSING FILING FEE** **EL11-001**

On January 25, 2011, the Commission received a petition from Black Hills Power, Inc. (BHP) requesting the Commission approve its new tariff establishing an Environmental Improvement Adjustment (EIA) pursuant to legislation enacted during the 2007 Legislative Session. SDCL Chapter 49-34A, Sections 97 through 100, authorize the Commission to approve a tariff mechanism for the automatic annual adjustment of charges for a public utility to recover the South Dakota jurisdictional portion of eligible investments in and expenses related to new environmental measures. The statute defines eligible new environmental measures as any environmental improvements required under the Clean Air Act, the Clean Water Act, or any other federal law or rule, or any state law or rule implementing a federal law or rule, or voluntary environmental measures designed to protect the environment.

On January 27, 2011, the Commission electronically transmitted notice of the filing and the intervention deadline of February 11, 2011, to interested individuals and entities. No petitions to intervene or comments were filed.

SDCL 49-1A-8 authorizes the Commission to require a deposit of up to fifty thousand dollars ($50,000) 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 and 49-34A.

At its regularly scheduled meeting of March 8, 2011, the Commission considered this matter. The Commission voted unanimously that pursuant to SDCL 49-1A-8, BHP shall be assessed a filing fee as requested by Commission Staff up to the statutory limit of $50,000.

It is therefore

ORDERED, that BHP shall be assessed a filing fee not to exceed $50,000.

Dated at Pierre, South Dakota, this 14th day of March, 2011.

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: Tina Douglas

Date: 3/14/2011

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Steve Kolbeck

STEVE KOLBECK, Chairman

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner