

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

**IN THE MATTER OF THE APPLICATION OF)
BLACK HILLS POWER, INC. FOR)
APPROVAL OF ENERGY EFFICIENCY)
PROGRAMS, TARIFFS, AND COST)
RECOVERY MECHANISM)**

**ORDER GRANTING
WAIVER
EL11-002**

On January 26, 2011, the Public Utilities Commission (Commission) received an application from Black Hills Power, Inc. (BHP) requesting that the Commission approve new energy efficiency programs, tariff revisions, and a cost recovery mechanism to implement a three-year Energy Efficiency Solutions Plan that expands on the company's current energy efficiency efforts. On July 7, 2011, the Commission issued an Order Approving Energy Efficiency Partnership Plan (Order). On April 24, 2012, BHP filed a letter requesting a waiver of the provision in the Energy Efficiency Solutions Adjustment (EESA) clause of its tariff, South Dakota Electric Rate Book, Section No. 3C, Original Sheet No. 21, approved in the Order that would require the filing of an EESA update on April 30, 2012. BHP requested that the initial EESA update report filing date be extended to April 30, 2013, due to the abbreviated program period this initial year as a result of the program not commencing until September 1, 2011.

At its April 26, 2012, Ad Hoc meeting, the Commission considered BHP's request for approval of a waiver from the plan update filing requirement for the current year. Staff recommended that the Commission approve BHP's waiver request.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically, 49-34A-6, 49-34A-8, 49-34A-8.2, 49-34A-10, and 49-34A-11. Further, the Commission finds that BHP's request for a waiver of the EESA reporting requirement for the current partial plan is just and reasonable and shall be approved. It is therefore

ORDERED, that BHP's request for waiver of the EESA plan update filing requirement for the current year is granted, and BHP shall file its EESA update and report on or before April 30, 2013.

Dated at Pierre, South Dakota, this 27th day of April, 2012.

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>Joy King</u>
Date: <u>April 27th, 2012</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner