

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

IN THE MATTER OF THE COMPLAINT OF)	ORDER GRANTING
ENERGY OF UTAH, LLC AND FALL RIVER)	STIPULATION AND JOINT
SOLAR, LLC AGAINST BLACK HILLS)	MOTION FOR CONTINUANCE
POWER INC. DBA BLACK HILLS ENERGY)	OF PROCEDURAL SCHEDULE
FOR DETERMINATION OF AVOIDED)	
COST)	EL18-038

On September 14, 2018, the South Dakota Public Utilities Commission (Commission) received a complaint from Energy of Utah and Fall River Solar, LLC (Fall River) against Black Hills Power Inc. dba Black Hills Energy (BHE) for determination of avoided cost pursuant to the Public Utility Regulatory Policy Act of 1978 (PURPA). The Complaint relates to a planned 80 megawatt solar facility Fall River is developing in Fall River County, South Dakota. BHE filed an answer on October 4, 2018. On March 9, 2020, an Order for and Notice of Evidentiary Hearing on April 14, 2020, was issued. On March 16, 2020, BHE filed a Motion for Order Compelling Responses to Discovery Requests and For Extension of Pre-Hearing Motion Deadline.

The Commission has jurisdiction over this matter pursuant to 16 USC Chapter 12, § 824a-3, 18 CFR Part 292, and SDCL Chapters 1-26 and 49-34A.

At its regularly scheduled meeting on March 31, 2020, the Commission considered the matter. The Commission deferred the docket and directed the parties work together to develop a procedural schedule to bring before the Commission at its next meeting.

On April 1, 2020, the parties submitted a Stipulation and Joint Motion for Continuance of Procedural Schedule. The parties state:

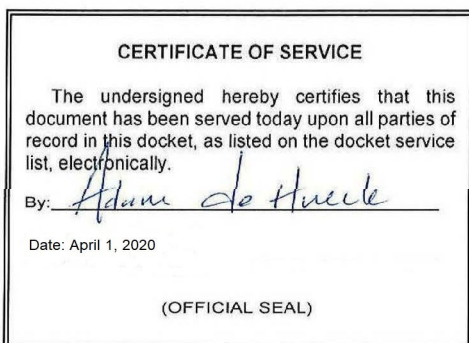
“Due to recent events beyond the control of the Parties, specifically a public health emergency, the Parties agree that a continuance of the evidentiary hearing currently scheduled to commence on April 14, 2020, is necessary. Therefore, the Parties agree to the following schedule for future deadlines in this docket:

May 4, 2020	Deadline to file prehearing motions
June 3-4, 2020	Evidentiary Hearing”
It is therefore	

ORDERED, that the Stipulation and Joint Motion for Continuance of Procedural Schedule is granted. It is further

ORDERED, that the March 9, 2020, Order for and Notice of Evidentiary Hearing on April 14, 2020, is canceled.

Dated at Pierre, South Dakota, this 1st day of April 2020.



BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner