

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

**IN THE MATTER OF THE COMPLAINT
OF ENERGY OF UTAH, LLC AND FALL
RIVER SOLAR, LLC AGAINST BLACK
HILLS POWER INC. DBA BLACK HILLS
ENERGY FOR DETERMINATION OF
AVOIDED COST**

) **ORDER DIRECTING PARTIES**
) **TO DEVELOP PROCEDURAL**
) **SCHEDULE**
)
) **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 December 19, 2018, staff filed a Motion for Procedural Schedule. On December 20, 2018, the Commission issued an Order for and Notice of Motion Hearing on Less Than 10 Days' Notice. Fall River and BHE each filed a response to Staff's motion.

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 January 8, 2019, the Commission considered whether to grant Staff's Motion for Procedural Schedule. Each party presented argument as to which concept should be advanced when establishing the procedural schedule. The Commission voted unanimously to adopt BHE's concept for a procedural schedule and to direct the parties work together to develop a procedural schedule to bring before the Commission at its next meeting.

It is therefore

ORDERED, that the parties are directed to use BHE's procedural concept to develop a procedural schedule.

Dated at Pierre, South Dakota, this 9th day of January 2019.

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 or by mail.
By: <u>Adam Detweck</u>
Date: <u>1/9/19</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner