

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

IN THE MATTER OF THE COMPLAINT)	ORDER GRANTING MOTION TO
OF ENERGY OF UTAH, LLC AND FALL)	CONTINUE ADMINISTRATIVE
RIVER SOLAR, LLC AGAINST BLACK)	HEARING AND SCHEDULING
HILLS POWER INC. DBA BLACK HILLS)	ORDER
ENERGY 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 April 1, 2020, an Order Granting Stipulation and Joint Motion for Continuance of Procedural Schedule, was issued. On April 1, 2020, the parties filed a Stipulation and Joint Motion for Continuance of Procedural Schedule, setting the deadline to file prehearing motions to May 4, 2020, and the evidentiary hearing to June 3 – 4, 2020. On April 30, 2020, BHE filed a Motion to Continue Administrative Hearing and Scheduling Order.

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 April 12, 2020, the Commission considered whether to grant BHE's Motion to Continue Administrative Hearing and Scheduling Order. Each party presented argument as to whether the Motion should be advanced and possible timelines and solutions to safely conducting a hearing with appropriate COVID-19 precautions. The Commission voted to continue the administrative trial that is currently set for June 3 – 4, 2020, continuing the current scheduling order and the date for prehearing motions to a date consistent with a rescheduled hearing and that the parties work together in good faith to set a new procedural schedule and hearing date. It is therefore

ORDERED, that the Motion to Continue Administrative Hearing and Scheduling Order is granted. It is further

ORDERED, that the parties are directed to develop a procedural schedule.

ORDERED, that the June 3 - 4, 2020, Evidentiary Hearing, is cancelled.

Dated at Pierre, South Dakota, this 13th day of May 2020.

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: Adam DeHueck

Date: 05/13/20

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson

GARY HANSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

CHRIS NELSON, Dissenting