

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

**IN THE MATTER OF THE PETITION FOR )  
A DECLARATORY RULING REGARDING )  
THE SOUTH DAKOTA SCIENCE AND )  
TECHNOLOGY AUTHORITY )  
)**

**ORDER GRANTING MOTION TO  
DISMISS WITHOUT PREJUDICE**

**EL20-017**

On May 8, 2020, the South Dakota Public Utilities Commission (Commission) received a Petition for a Declaratory Ruling (Petition) from the South Dakota Science and Technology Authority (the Authority). The Petition seeks Commission determination on whether a proposed pass through of the cost of electricity and electric service to a subcontractor of a lessee of space at the former Homestake Mine in Lead, South Dakota, subjects the Authority to regulation as an electric utility.

On May 14, 2020, the Commission electronically transmitted notice of the filing and the comment deadline of May 29, 2020, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On May 13, 2020, the Authority filed a Motion to Dismiss Without Prejudice.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-34A and ARSD 20:10:01:02.04 and 20:10:01:34.

At its regularly scheduled meeting on May 26, 2020, the Commission considered the Motion to Dismiss Without Prejudice. The Commission voted unanimously to grant the Motion to Dismiss Without Prejudice. It is therefore

ORDERED, that the Petition for Declaratory Ruling is hereby dismissed without prejudice.

Dated at Pierre, South Dakota, this 28th day of May 2020.

<p><b>CERTIFICATE OF SERVICE</b></p> <p>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.</p> <p>By: _____ May 28, 2020 _____</p> <p>Date: <u>        Karen E. Cremer        </u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

*Gary Hanson*  
GARY HANSON, Chairman

*Chris Nelson*  
CHRIS NELSON, Commissioner

*Kristie Fiegen*  
KRISTIE FIEGEN, Commissioner