

**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 OF DISMISSAL

EL18-038

On August 19, 2020, the South Dakota Public Utilities Commission ("Commission") entered an Order Approving Settlement Stipulation in *In the Matter of the Complaint of Energy of Utah, LLC and Fall River Solar LLC against Black Hills Power, Inc. d/b/a Black Hills Energy for Determination of Avoided Cost*, Docket EL 18-038, which approved a Settlement Stipulation by filed by the Parties and also ordered:

Upon execution of the Power Purchas Agreement and Large Generator Interconnection Agreement described in the Settlement Stipulation, the Parties are directed to execute and file a Stipulation for Dismissal with prejudice in *In the Matter of the Complaint of Energy of Utah, LLC and Fall River Solar, LLC against Black Hills Power Inc., d/b/a Black Hills Energy for Determination of Avoided Cost*, Docket EL 18-038 and an Order of Dismissal may be entered by the Commission thereafter without hearing or further notice.

On September 11, 2020, consistent with the Commission's August 19, 2020 Order Approving Settlement, the Parties filed a Stipulation for Dismissal, which included a representation that Fall River Solar, LLC and Black Hills Power, Inc., d/b/a Black Hills Energy had entered into a Power Purchase Agreement and Large Generator Interconnection Agreement consistent with the Settlement Stipulation and that pertained to the proposed 80 MW Fall River Solar generating facility that is the subject of the dispute in Docket No. EL 18-038. The Stipulation for Dismissal also provided that all Parties agreed that Docket No. EL 18-038 can, and should be, dismissed with prejudice, without any assessment of costs to any Party, and without hearing or further notice.

The Commission, having reviewed the Stipulation For Dismissal and being fully advised of the premises, hereby ORDERS that Docket No. EL18-038, *In the Matter of the Complaint of Energy of Utah, LLC and Fall River Solar, LLC against Black Hills Power Inc., d/b/a Black Hills Energy for Determination of Avoided Cost*, is dismissed with prejudice.

Dated at Pierre, South Dakota, this 21st day of September 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: <u>Adam Detrick</u>
Date: <u>9/21/20</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner