

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

IN THE MATTER OF THE FILING BY)	ORDER GRANTING
SUPERIOR RENEWABLE ENERGY LLC ET AL.)	INTERVENTION
AGAINST MONTANA-DAKOTA UTILITIES CO.)	
REGARDING THE JAVA WIND PROJECT)	EL04-016

On May 12, 2004, Superior Renewable Energy LLC and its wholly owned subsidiary, Java LLC, filed a petition requesting the Commission to settle a dispute regarding the long term purchase price of electricity generated from a Qualified Facility pursuant to the Public Utility Regulatory Policy Act of 1978.

On May 13, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of May 28, 2004, to interested individuals and entities. On May 27, 2004, the Commission received a Petition to Intervene from Montana-Dakota Utilities Co. (MDU). At a regularly scheduled meeting of June 8, 2004, the Commission granted intervention to MDU. On June 15, 2004, the Commission received a Petition to Intervene Out of Time from MidAmerican Energy Company (MidAmerican), on June 17, 2004, the Commission received a late filed Petition to Intervene from NorthWestern Corporation (NorthWestern), and on June 18, 2004, the Commission received a late filed Petition to Intervene from Black Hills Power, Inc. (BHP). At a regularly scheduled meeting of June 22, 2004, the Commission granted intervention to MidAmerican, NorthWestern and BHP. On July 16, 2004, the Commission received a late filed Petition to Intervene from Northern States Power Company d/b/a Xcel Energy (Xcel).

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A and ARSD 20:10:01:15.05.

At a regularly scheduled meeting of August 17, 2004, the Commission found that the late filed Petition to Intervene demonstrated good cause to grant intervention. It is therefore

ORDERED, that the Petition to Intervene of Xcel is hereby granted.

Dated at Pierre, South Dakota, this 26th day of August, 2004.

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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u>Melaine Kalbo</u>
Date: <u>8/27/04</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Gary Hanson
GARY HANSON, Commissioner