

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

IN THE MATTER OF THE APPLICATION OF ) MONTANA-DAKOTA UTILITIES CO. FOR ) AUTHORITY TO INCREASE RATES FOR ) NATURAL GAS SERVICE )	ORDER CANCELLING HEARING  NG04-004
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On June 7, 2004, Montana-Dakota Utilities Co. (MDU), filed with the Public Utilities Commission (Commission) an application to increase natural gas rates in its Black Hills service territory. The application seeks an increase in rates in the approximate amount of \$1,281,417 or approximately 2.2%. On June 22, 2004, the Commission suspended the proposed schedule of rates for 90 days beyond June 7, 2004.

At its regularly scheduled meeting of June 22, 2004, the Commission found that pursuant to SDCL 49-1A-8, MDU shall be assessed a filing fee as requested by the executive director up to the statutory limit of \$100,000. The Commission further established an intervention deadline of July 9, 2004. On July 15, 2004, Commission Staff advised the Commission that the suspension should have been for 90 days beyond July 7, 2004. On July 20, 2004, pursuant to SDCL 49-34A-14, the Commission suspended the operation of the schedule of rates proposed by MDU for 90 days beyond July 7, 2004.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-34A, specifically 49-34A-4, 49-34A-6, 49-34A-8, 49-34A-10, 49-34A-11, 49-34A-12, 49-34A-13, 49-34A-13.1, 49-34A-17, 49-34A-19, 49-34A-21.

By order dated October 4, 2004, a hearing was scheduled for November 4, 2004, beginning at 9:00 A.M. and November 5, 2004, beginning at 8:30 A.M., in Room 412, State Capitol, 500 East Capitol, Pierre, South Dakota. On October 28, 2004, the Commission was informed that Commission Staff and MDU had reached a settlement agreement, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for November 4 and 5, 2004, is cancelled.

Dated at Pierre, South Dakota, this 28<sup>th</sup> day of October, 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: Nelaine Kalbs

Date: 10/28/04

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman

Gary Hanson  
GARY HANSON, Commissioner

James A. Burg  
JAMES A. BURG, Commissioner