

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

**IN THE MATTER OF THE APPLICATION)
OF BLACK HILLS POWER, INC. FOR)
AUTHORITY TO INCREASE ITS)
ELECTRIC RATES)**

**ORDER DENYING
INTERVENTION WITHOUT
PREJUDICE**

EL12-061

On December 17, 2012, the South Dakota Public Utilities Commission (Commission) received an Application for Authority to Increase Its Electric Rates (Application) filed by Black Hills Power, Inc. (BHP) for approval to increase rates for electric service to customers in its South Dakota service territory by approximately \$13.7 million annually or approximately 9.94% based on BHP's test year ending June 30, 2012. BHP states that a typical residential electric customer using 650 kWh per month would see an increase of \$7.11 per month. The proposed changes may potentially affect approximately 65,000 customers in BHP's South Dakota service territory.

On December 20, 2012, the Commission electronically transmitted notice of the filing and the intervention deadline of February 28, 2013, to interested individuals and entities. On January 15, 2013, a Petition to Intervene of GCC Dacotah, Inc., Rushmore Forest Products, Inc., Spearfish Forest Products, Inc., Pete Lien & Sons, Inc., and Rapid City Regional Hospital (collectively Black Hills Industrial Intervenors) was filed. On January 17, 2012, the Commission issued an Order Assessing Filing Fee and Suspending Operation of Proposed Rates. On January 28, 2013, a Petition to Intervene of Regency Midwest Ventures Limited Partnership and Deadwood Resort, L.L.C. was filed. On January 28, 2013, BHP filed a Statement of No Objection to Petition for Intervention of Industrial Intervenors. On January 29, 2013, a Petition to Intervene of Wal-Mart Stores, Inc. and Sam's West Inc. (Walmart) was filed. On January 30, 2013, the Commission granted BHP's request for more time to respond to the intervention petitions of Regency Midwest Ventures Limited Partnership, Deadwood Resort, L.L.C. and Walmart. On February 5, 2013, the Commission issued an Order Granting Intervention to Black Hills Industrial Intervenors. On February 11, 2013, BHP filed Black Hills Power, Inc.'s Response to Intervention Petitions. On February 15, 2013, the Commission issued an Order Granting Intervention to Walmart. The Commission deferred action on the Petition to Intervene of Regency Midwest Ventures Limited Partnership and Deadwood Resort, L.L.C.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-1A, 49-34A, and ARSD 20:10:13, 20:10:01:15.02, 20:10:01:15.03, and 20:10:01:15.05.

At its regularly scheduled meeting on February 26, 2013, the Commission considered the Petition to Intervene of Regency Midwest Ventures Limited Partnership and Deadwood Resort, L.L.C. BHP objected to the intervention of Regency Midwest Ventures Limited Partnership and Deadwood Resort, L.L.C. on the basis that they are not represented by an attorney. Staff recommended the Commission deny the Petition to Intervene of Regency Midwest Ventures Limited Partnership and Deadwood Resort, L.L.C. without prejudice.

The Commission found that Regency Midwest Ventures Limited Partnership and Deadwood Resort, L.L.C. were not represented by an attorney and voted unanimously to deny

the Petition to Intervene of Regency Midwest Ventures Limited Partnership and Deadwood Resort, L.L.C. without prejudice.

It is therefore

ORDERED, that the Petition to Intervene of Regency Midwest Ventures Limited Partnership and Deadwood Resort, L.L.C. is hereby denied without prejudice.

Dated at Pierre, South Dakota, this 28th day of February 2013.

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.
By: <u><i>Tina Douglas</i></u>
Date: <u>2-1-13</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson

GARY HANSON, Chairman

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner