

Individual Report for Docket Number : EL18-038

Docket Title:

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

Open Date : 09/14/2018

Close Date : 09/21/2020

Days Open : 738

Reopened Date :

Filing Type :

EL

Tax ID # :

Attorney :

KE

Staff :

JT; DK; BM

Date Of Final Decision :

08/18/2020

Memo :

8/18/20; 5/12/20; 4/14/20; 3/31/20; 10/15/19; 6/11/19; 1/8/19 - Commission Meeting

Primary Appeal Information

Appeal Date :

Appellant :

Decision Date :

Appeal Location :

Current Status :

Description of Above Decision :

Secondary Appeal Information

Appeal Date :

Appellant :

Decision Date :

Appeal Location :

Current Status :

Description of Above Decision :

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Docket Notes :

09/14/18 - Filed and Docketed - M:/puc/web/internet/commission/dockets/electric/2018/el18-038/file name.pdf
09/14/18 - Energy of Utah, LLC and Fall River Solar, LLC Against Black Hills Power, Inc.'s Complaint for Determination of Avoided Cost and Certificate of Service - M:/complaint.pdf
10/04/18 - Black Hills Power Inc. dba Black Hills Energy's Letter regarding Answer to Complaint - M:/ltr100418.pdf
10/04/18 - Black Hills Power Inc.'s Answer to Energy of Utah, LLC and Fall River Solar, LLC's Complaint for Determination of Avoided Costs and Certificate of Service - M:/answer.pdf
12/19/18 - Staff's Motion for Procedural Schedule - M:/staffproceduralschedule.pdf
12/19/18 - Certificate of Service - M:/certificateofservice.pdf
12/20/18 - Order For and Notice of Motion Hearing on Less Than 10 Days' Notice - M:/puc/web/internet/commission/orders/electric/2018/el18-038hearing.pdf
01/03/19 - Black Hills Power Inc. dba Black Hills Energy's Response to Staff's Motion for Procedural Schedule and Certificate of Service - M:/bhpresponse.pdf
01/03/19 - Exhibit 1 - Black Hills Power Inc. dba Black Hills Energy's Email to Fall River Solar, LLC - M:/exhibit1.pdf
01/03/19 - Exhibit 2 - Black Hills Power Inc. dba Black Hills Energy's Letter to PUC Staff and Fall River Solar, LLC - M:/exhibit2.pdf
01/03/19 - Exhibit 3 - Black Hills Power Inc. dba Black Hills Energy's Email to PUC Staff and Fall River Solar, LLC - M:/exhibit3.pdf
01/03/19 - Exhibit 4 - Respondent Black Hills Power Inc.dba Black Hills Energy's Proposed Procedural Schedule - M:/exhibit4.pdf
01/03/19 - Exhibit 5 - Fall River Solar, LLC's Email to Black Hills Power Inc.dba Black Hills Energy - M:/exhibit5.pdf
01/03/19 - Fall River Solar's Response to Staff's Scheduling Motion and Certificate of Service - M:/fallriverresponse.pdf
01/09/19 - Order Directing Parties to Develop Procedural Schedule - M:/puc/web/internet/commission/orders/electric/2018/el18-038order.pdf
01/10/19 - PUC Staff's Letter regarding Procedural Schedule - M:/ltr011019.pdf
03/22/19 - Energy of Utah, LLC and Fall River Solar, LLC - Direct Testimony of Mark Klein – M:/klein.pdf
03/22/19 - Exhibit A – Calculations – M :/kleinexhibita.pdf
03/22/19 - Direct Testimony of Ros Vrba – M:/vrba.pdf
03/22/19 - Exhibit A - Memorandum of Lease and Easement for a Solar Energy Project – M:/vrbaexhibita.pdf
03/22/19 - Exhibit B - Request for Indicative Price for Fall River Solar LLC, South Dakota Qualifying Facility 80 MW Name Plate AC – M:/vrbaexhibitb.pdf
03/22/19 - Exhibit C - Non-Disclosure Agreement – M:/vrbaexhibitc.pdf
03/22/19 - Exhibit D - Energy of Utah, LLC's Letter to Black Hills Corporation Dated May 18, 2018 – M:/vrbaexhibitd.pdf
03/22/19 - Exhibit E - Email Correspondence – M:/vrbaexhibite.pdf
03/22/19 - Exhibit F - Energy of Utah, LLC's Letter to Black Hills Corporation Dated June 7, 2018 – M:/vrbaexhibitf.pdf
03/22/19 - Exhibit G - Solar Energy Purchase Agreement Between Black Hills Power, Inc. and Fall River Solar LLC – M:/vrbaexhibitg.pdf
03/22/19 - Exhibit H - Model Solar Energy Purchase Agreement – M:/vrbaexhibith.pdf
03/22/19 - Exhibit I - Energy of Utah, LLC's Letter to Black Hills Corporation Dated August 14, 2018 – M:/vrbaexhibiti.pdf
03/22/19 - Exhibit J - Email Correspondence – M:/vrbaexhibitj.pdf

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03/22/19 - Exhibit K - Energy of Utah, LLC's Letter to Black Hills Corporation Dated September 6, 2018 – M:/vrbaexhibitk.pdf

03/22/19 - Exhibit L - Email Correspondence – M:/vrbaexhibitl.pdf

03/22/19 - Exhibit M - Black Hills Energy's Letter to Energy of Utah, LLC and PUC Staff – M:/vrbaexhibitm.pdf

03/26/19 - Black Hills Energy's First Set of Data Requests to Energy of Utah, LLC Certificate of Service - M:/certificateofservice032619.pdf

03/27/19 - Fall River Solar's Discovery Requests (First Set) Certificate of Service - M:/certificateofservice032719.pdf

04/09/19 - PUC Staff's Stipulation for Procedural Schedule - M:/stip040919.pdf

04/24/19 - Black Hills Energy's Responses to Fall River's First Set of Data Requests Certificate of Service - M:/certificateofservice042419.pdf

04/25/19 - Amended Stipulation for Procedural Schedule - M:/amendedstipulation.pdf

05/07/19 - Black Hills Energy's Direct Testimonies and Exhibits - James McMahon's Direct Testimony – M:/mcmahon.pdf

05/07/19 - Exhibit JM-1 – Resume – M:/jm1.pdf

05/07/19 - Certificate of Service - M:/certificateofservice050719c.pdf

05/07/19 - Kyle D. White's Direct Testimony K – M:/white.pdf

05/07/19 - KDW-1 - An Illustrative Comparison of the Impact to Black Hills' Retail Customers Based Upon the Methodology and Avoided Cost Price Proposed by Fall River and the Price Calculated by Black Hills Over the 20 Year QF Period - M:/kdw1.pdf

05/07/19 - KDW-2 - An Illustration of the Downward Direction of Forecast Natural Gas Pricing Since 2015 - M:/kdw2.pdf

05/07/19 - KDW-3 - An Illustration of the Downward Direction of Forecasted Market Prices for Power Purchases Since 2015 - M:/kdw3.pdf

05/07/19 - KDW-4 - May 31, 2018 Correspondence from Black Hills to Fall River regarding Its Position on the Appropriate Avoided Cost Determination Methodology - M:/kdw4.pdf

05/07/19 - KDW-5(a)-5(g) - Example Correspondence From Prior PPA Negotiations With Energy of Utah in Late Spring - Early Fall 2015 - M:/kdw5.pdf

05/07/19 -Certificate of Service - M:/certificateofservice050719b.pdf

05/07/19 - Amanda M. Thames' Direst Testimony - M:/thames.pdf

05/07/19 - Exhibit AMT-1 - A Table of All of the Supply Resources in Black Hills' Portfolio (Whether Utility Owned or Contractual) and Considered as Available Resources Within Black Hills' Avoided Cost Model - M:/amt1.pdf

05/07/19 - Exhibit AMT-2 - The Load Resource Balance that wasAccomplished as Part of the Avoided Cost Modeling Provided in March 2019 - M:/amt2.pdf

05/07/19 - Exhibit AMT-3 - Comparison of Costs of System Dispatch With and Without Fall River's 80 MW QF as an Available Resource, as Provided in March 2019 - M:/amt3.pdf

05/07/19 - Exhibit AMT-4 - Levelized Avoided Cost as Provided in March 2019 - M:/amt4.pdf

05/07/19 - Exhibit AMT-5 - The Load and Resource Balance that was Accomplished as Part of the Avoided Cost Modeling Provided in August 2018 - M:/amt5.pdf

05/07/19 - Exhibit AMT-6 - Comparison of Costs of System Dispatch With and Without Fall River's 80MW QF as an Available Resource, as Provided in August 2018 - M:/amt6.pdf

05/07/19 - Exhibit AMT-7 - Levelized Avoided Cost as Provided in August of 2018 - M:/amt7.pdf

05/07/19 - Exhibit AMT-8 - The Load and Resource Balance that was Accomplished as Part of the Avoided Cost Modeling Provided in April 2018 - M:/amt8.pdf

05/07/19 - Exhibit AMT-9 - Comparison of Costs of System Dispatch With and Without Fall River's 80MW QF as an Available Resource, as Provided in April 2018 - M:/amt9.pdf

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05/07/19 - Exhibit AMT-10 - Levelized Avoided Cost as Provided in April 2018 - M:/amt10.pdf
05/07/19 - Certificate of Service - M:/certificateofservice050719c.pdf

05/29/19 - PUC Staff's First Set of Data Requests to Black Hills Energy Certificate of Service - M:/certificateofservice052919.pdf
05/30/19 - Fall River Solar's Motion for Order Compelling Responses to Discovery Requests and Certificate of Service - M:/discoveryresp.pdf
05/30/19 - Brief in Support of Fall River Solar's Motion to Compel Discovery and Certificate of Service - M:/brief.pdf
05/30/19 - Affidavit of William Taylor - M:/affidavit.pdf
05/30/19 - Exhibit A to Brief - M:/exhibita.pdf
05/31/19 - Order For and Notice of Motion Hearing on Less Than 10 Days' Notice - M:/puc/web/internet/commission/orders/electric/2019/el18-038hearing2.pdf
06/05/19 - Staff's Response to Motion to Compel Discovery - M:/response.pdf
06/05/19 - Certificate of Service - M:/certificateofservice060519.pdf
06/06/19 - Black Hills Power's Brief in Response to Fall River's Motion for Oder Compelling Responses to Discovery Requests and Certificate of Service - M:/bhebrief.pdf
06/06/19 - Exhibit A - Email to BHE from Fall River - M:/exhibita060619.pdf
06/10/19 - Petitioner's Reply to Black Hills' Brief and Certificate of Service - M:/replybrief.pdf
06/17/19 - Order Granting Motion for Order Compelling Responses to Discovery Requests - M:/puc/web/internet/commission/orders/electric/2019/el18-038compel.pdf
06/19/19 - Second Amended Stipulation for Procedural Schedule - M:/amendedstipulation2.pdf
06/24/19 - PUC Staff's First Set of Data Requests to Energy of Utah, LLC and Fall River Solar, LLC - M:/certificateofservice062419.pdf
06/25/19 - Proposed Stipulated Protective Order - M:/protectiveorder.pdf
06/26/19 - Stipulated Protective Order - M:/puc/web/internet/commission/orders/electric/2019/el18-038.pdf
07/01/19 - Montana-Dakota Utilities Co.'s Comments - M:/mdu.pdf
07/01/19 - Black Hills Power's Supplemental Responses to Fall River Solar's First Set of Discovery Requests Certificate of Service - M:/certificateofservice070119.pdf
08/09/19 - PUC Staff's Letter regarding Pre-filed Direct Testimony and Exhibits - m:/ltr080919.pdf
08/09/19 - Darren Kearney's Direct Testimony - m:/kearney.pdf
08/09/19 - Exhibit_DDK-1 - FERC Order 69 - M:/ddk1.pdf
08/09/19 - Exhibit_DDK-2 - Docket F-3365 Order - M:/ddk2.pdf
08/09/19 - Exhibit_DDK-3 - Docket EL11-006 Order - m:/ddk3.pdf
08/09/19 - Exhibit_DDK-4 - Docket EL16-021 Order - M:/ddk4.pdf
08/09/19 - Exhibit_DDK-5 - Dump Energy Confidential (not available to the public) - N:/Internet/electric/2019/el18-038/ddk5.pdf
08/09/19 - Exhibit_DDK-6: Avoided Capacity Cost Confidential (not available to the public) - N:/Internet/electric/2019/el18-038/ddk6.pdf
08/09/19 - Exhibit_DDK-7: Fall River Responses to Staff Data Requests - m:/ddk7.pdf
08/09/19 - Certificate of Service - M:/certificateofservice080919.pdf
08/12/19 - Comments of Alan Anderson – M:/comments/Anderson.pdf-08/12/19 - Comments of Alan Anderson Confidential (not available to the public) - N:/Internet/electric/2019/el18-038/comments/anderson.pdf-08/12/19 - Commissioner Nelson' Response to Alan Anderson- M:/comments/andersonresponse.pdf-08/12/19 - Commissioner Nelson' Response to Alan Anderson Confidential (not available to the public) - N:/Internet/electric/2019/el18-038/comments/andersonresponse.pdf

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08/12/19 - Fall River Solar's Notice of Deposition Pursuant to SDCL 15-6-30(b)(6) and Certificate of Service - M:/notice.pdf

08/13/19 - PUC Staff's Response to Alan Anderson - M:/comments/andersonresponse2.pdf

08/13/19 - PUC Staff's Response to Alan Anderson Confidential (not available to the public) - N:/Internet/electric/2019/el18-038/comments/andersonresponse2.pdf

08/14/19 - Black Hills Power's Response and Objections to Fall River's Notice of Deposition Pursuant to SDCL §15-6-30(b)(6) and Certificate of Service - M:/objection.pdf

09/04/19 - Third Amended Stipulation for Procedural Schedule - M:/thirdamended090419.pdf

09/25/19 - Black Hills Power's Motion to Quash Portions of Energy of Utah, LLC and Fall River Solar LLC's Notice of Deposition Pursuant to SDCL 15-6-30(b)(6) and for a Protective Order and Certificate of Service - M:/motiontoquash.pdf

09/25/19 - Black Hills Power's Brief in Support of Its Motion to Quash Portions of Energy of Utah, LLC and Fall River Solar LLC's Notice of Deposition Pursuant to SDCL 15-6-30(b)(6) and for a Protective Order and Certificate of Service - briefmotion.pdf

09/25/19 - Attachment 1 - Notice of Deposition Pursuant to SDCL 15-6-30(b)(6)- M:/attachment1.pdf

09/25/19 - Attachment 2 - Black Hills Power's response and Objections to Fall River's Notice of Deposition Pursuant to SDCL 15-6-30(b)(6) - M:/attachment2.pdf

09/30/19 - Order for and Notice of Motion Hearing - m:/puc/web/internet/commission/orders/electric/2019/el18-038noticeofhearing.pdf

10/11/19 - Fall River Solar's Response to Motion to Quash and Certificate of Service- M:/response2.pdf

10/11/19 - Exhibit 1 - Notice of Deposition Pursuant to SDCL 15-6-30 (b)(6) - M:/exhibit1101119.pdf

10/18/19 - Order Granting in Part and Denying in Part Motion to Quash and Protect Order - M:/puc/web/internet/commission/orders/electric/2019/el18-038quash.pdf

11/13/19 - Black Hills Power's Notice of Deposition of Ros Vrba and Certificate of Service - M:/notice2.pdf

12/10/19 - Fourth Amended Stipulation for Procedural Schedule - M:/amended.pdf

01/21/20 - Black Hills Power's Responses to Fall River Solar's Second Set of Discovery Requests Certificate of Service - M:/BHPCOS012120.pdf

01/24/20 - Black Hills Power's Second Set of Data Requests to Fall River Solar's Certificate of Service - M:/BHPCOS012420.pdf

01/30/20 - James McMahon's Rebuttal Testimony and Certificate of Service - M:/Jmrebuttal.pdf

01/30/20 - Kyle White's Rebuttal Testimony and Exhibit and Certificate of Service - M:/Kwrebuttal.pdf

01/30/20 - Exhibit KDW-6 Excel Format Confidential (not available to the public) - N:/Internet/electric/2018/EL18-038/KDW-6.xlsx

01/30/20 - Amanda M. Thames' Rebuttal Testimony and Exhibits and Certificate of Service - M:/Atrebuttal.pdf

01/30/20 - Exhibit AMT-11 Excel Format Confidential (not available to the public) - N:/Internet/electric/2018/EL18-038/AMT-11.xlsx

01/30/20 - Exhibit AMT-12 Excel Format Confidential (not available to the public) - N:/Internet/electric/2018/EL18-038/AMT-12.xlsx

01/30/20 - Exhibit AMT-13 Excel Format Confidential (not available to the public) - N:/Internet/electric/2018/EL18-038/AMT-13.xlsx

01/30/20 - Exhibit AMT-14 Excel Format Confidential (not available to the public) - N:/AMT-14.xlsx

02/13/20 - Black Hills Power Inc. dba Black Hills Energy's Responses to Fall River Solar's Third Set of Discovery Requests Certificate of Service - M:/BHPCOS021420.pdf

02/14/20 - Fall River Solar's Discovery Requests (Third Set) to Black Hills Power, Inc dba Black Hills Energy and Certificate of Service - M:/thirdset021420.pdf

02/28/20 - Black Hills Power Inc. dba Black Hills Energy's Responses to Fall River Solar's Third Set

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of Discovery Requests Certificate of Service - M:/cos022820.pdf
03/09/20 - Order For and Notice of Evidentiary Hearing - M:/puc/web/internet/commission/orders/electric/2020/el18-038Notice.pdf
03/12/20 - Rebuttal Testimony of Mark Klein - M:/Mkrebuttal.pdf
03/13/20 - Certificate of Service Rebuttal Testimony of Mark Klein - M:/COS031320MK.pdf
03/16/20 - Black Hills Power Inc. dba Black Hills Energy's Motion for Order Compelling Responses to Discovery Requests and For Extension of Pre-Hearing Motion Deadline - M:/BHDeadline.pdf
03/16/20 - Affidavit of Catherine M. Sabers in Support of Black Hills Power Inc. dba Black Hills Energy's Motion for Order Compelling Responses to Discovery Requests and For Extension of Pre-Hearing Motion Deadline - M:/BHDeadlineExt.pdf
04/01/20 - Order Granting Stipulation and Joint Motion For Continuance of Procedural Schedule - M:/puc/web/internet/commission/orders/electric/2018/el18-038040120.pdf
04/01/20 - Parties' Stipulation and Joint Motion for Continuance of Procedural Schedule - M:/FallRiverStip.pdf
04/30/20 - Black Hills Power Inc. dba Black Hills Power's Motion to Continue Administrative Hearing and Scheduling Order and Certificate of Service - M:/MotiontoCont.pdf
04/30/20 - PUC Staff's Supplemental Testimony and Exhibits
04/30/20 - Supplemental Testimony of Darren Kearney - M:/SuppTestDK.pdf
04/30/20 - Exhibit_DDK-8 - Federal Open Market Committee Statement on Long-Run Goals - M:/LongRun.pdf
04/30/20 - Exhibit_DDK-9 - SPP Resource Adequacy Tariff - M:/ResourceAdequacy.pdf
04/30/20 - Exhibit_DDK-10 - Avoided Capacity Cost Calculations Confidential (not available to the public) (excel format) - N:/Internet/electric/2018/EL18-038/AvoidedCapacityCost.xlsx
04/30/20 - Exhibit_DDK-11 - WAPA Regulation Services Rates - M:/WAPARate.pdf
04/30/20 - Certificate of Service - M:/COS043020.pdf
05/08/20 - Fall River Solar's Objections and Motions to Strike Certain Testimony and Certificate of Service - M:/motiontostrike.pdf
05/13/20 - Order Granting Motion to Continue Administrative Hearing and Scheduling Order - M:/puc/web/internet/commission/orders/electric/2020/EL18-038ContinueHearing.pdf
06/09/20 - Stipulation for Continuance of Procedural Schedule - M:/ProcSch.pdf
06/17/20 - Black Hills Power, Inc.'s Response to Fall River Solar's Objections and Motion to Strike Certain Testimony - M:/StrikeTest.pdf
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06/17/20 - Black Hills Power, Inc.'s Brief in Support of Motion for Partial Summary Judgment - M:/BriefSupport.pdf
06/17/20 - Black Hills Power, Inc.'s Statement of Undisputed Material Facts - M:/Undisputed.pdf
06/17/20 - Affidavit of Catherine M. Sabers - M:/CSAff.pdf
06/17/20 - Exhibit 1 - Cover Page and Excerpted Pages from the Deposition of Kyle White - M:/CSExh1.pdf
06/17/20 - Exhibit 2 - Cover Page and Excerpted Pages from the Deposition of Ros Vrba - M:/CSExh2.pdf
06/17/20 - Affidavit of Eric Egge Confidential (not available to the public) - N:/Internet/electric/2020/EL20-018/EEAff.pdf
06/17/20 - Exhibit 1 - Black Hills Basin Electric Transmission Feasibility Study Confidential (not available to the public) - N:/Internet/electric/2020/EL20-018/EEExh1.pdf
06/19/20 - Order For and Notice of Motion Hearing - M:/puc/web/internet/commission/orders/electric/2020/EL18-038MotionHearing061920.pdf
06/29/20 - Stipulation to Reset Argument on Motions - M:/ResetArg.pdf
06/29/20 - Order Approving Stipulation and Cancelling Motion Hearing - M:/puc/web/internet/commission/orders/electric/2020/EL18-038CancelHearing.pdf
07/15/20 - Stipulation to Set Aside of Procedural Schedule and Continue Pre-Hearing and Administrative

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Hearing Dates - M:/Stip071520.pdf

07/15/20 - Order Approving Stipulation and Cancelling Motion Hearing Administrative Hearing -
M:/puc/web/internet/commission/orders/electric/2020/el18-038CancelMotion.pdf

08/12/20 - Joint Motion for Approval of a Settlement Stipulation - M:/JointMotion081220.pdf

08/12/20 - Settlement Stipulation - M:/Stip081220.pdf

08/12/20 - Settlement Stipulation Confidential (not available to the public) - N:/Internet/electric/2018/EL18-038/SettlementStipulation.pdf

08/14/20 - Staff Memorandum Supporting Settlement Stipulation - M:/StaffMemo.pdf

08/14/20 - Staff Memorandum Supporting Settlement Stipulation Confidential (not available to the public)
- N:/Internet/electric/2018/EL18-038/StaffMemo.pdf

08/19/20 - Order Approving Settlement Stipulation - M:/puc/web/internet/commission/orders/electric/2020/el18-038Settlement.pdf

09/11/20 - Stipulation for Dismissal - M:/Dismissal.pdf

09/21/20 - Order of Dismissal - M:/puc/web/internet/commission/orders/electric/2020/el18-038Dismissal.pdf

09/21/20 - Docket Closed - M:/closed.pdf

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Docket Synopsis :