

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

IN THE MATTER OF THE COMPLAINT	)	STIPULATION FOR DISMISSAL
OF ENERGY OF UTAH, LLC AND FALL	)	
RIVER SOLAR, LLC AGAINST BLACK	)	
HILLS POWER INC. DBA BLACK HILLS	)	EL18-038
ENERGY FOR DETERMINATION OF	)	
AVOIDED COST	)	

Energy of Utah LLC and Fall River Solar, LLC ("Fall River Solar"), Black Hills Power Inc. d/b/a Black Hills Energy ("Black Hills Power") and the Staff of the South Dakota Public Utilities Commission ("Staff") hereby stipulate and agree as follows:

1. In its August 19, 2020 Order Approving Settlement Stipulation ("August 19, 2020 Order"), the South Dakota Public Utilities Commission ("Commission") ordered as follows:

Upon execution of the Power Purchase 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.

2. Fall River Solar and Black Hills Power hereby represent and confirm to the Commission and Staff that they have executed a Power Purchase Agreement and Large Generator Interconnection Agreement that is consistent with the terms of the Settlement Stipulation and pertains to the proposed 80 MW Fall River Solar generating facility that is the subject of the dispute in Docket No. EL18-038.

3. Consistent with the foregoing, the terms of the Settlement Stipulation, and the terms of the August 19, 2020 Order, the Parties hereby stipulate and agree that the matter captioned *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
should be dismissed in its entirety with prejudice without charge or cost to either party and that the Commission should enter an Order of Dismissal with prejudice without hearing or further notice.

The Stipulation is entered into effective this 11th day of September, 2020

Black Hills Power, Inc. d/b/a Black Hills Energy

By: CSL

Its: Attorney

Energy of Utah, LLC and Fall River Solar, LLC

By: William Taylor

Its: Attorney

Public Utilities Commission Staff

Krista Edwards

Its: Staff Attorney