

IOWA UTILITIES COMMISSION

IN RE: BLACK HILLS/IOWA GAS UTILITY COMPANY, LLC d/b/a BLACK HILLS ENERGY	DOCKET NO. RPU-2024-0001
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ORDER ESTABLISHING PROCEDURAL SCHEDULE AND GRANTING CONFIDENTIAL TREATMENT

On May 1, 2024, Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy (Black Hills), filed with the Utilities Commission (Commission) an Application for Revision of Rates (Application) to increase its annual revenue requirement pursuant to Iowa Code § 476.6 and 199 Iowa Administrative Code (IAC) chapter 26 of the Commission's administrative rules. Black Hills' Application is identified as Docket No. RPU-2024-0001. With its Application, Black Hills filed proposed permanent tariff revisions, identified as Docket No. TF-2024-0035. Black Hills also filed revised tariff sheets, identified as Docket No. TF-2024-0034, implementing temporary rates that became effective May 11, 2024.

On May 31, 2024, the Commission issued an order docketing and suspending the proposed permanent tariff sheets for further review, setting a scheduling conference, and requesting that parties notify the Commission of their attendance and participation in the scheduling conference and be prepared to discuss the procedural schedule proposed by Black Hills in its Application.

On June 18, 2024, Black Hills filed additional information to support its Application along with an Application for Confidential Treatment.

DOCKET NO. RPU-2024-0001
PAGE 2

On June 20, 2024, the Commission held a scheduling conference attended by Black Hills and the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice. At the scheduling conference, Black Hills and OCA indicated they had no issues with the minor modifications to the procedural schedule proposed by Black Hills in its Application.

On June 26, 2024, Black Hills filed additional information to support its Application, along with an Application for Confidential Treatment.

PROCEDURAL SCHEDULE

At the June 20, 2024 scheduling conference, dates were agreed upon for the filing of prepared testimony, a joint statement of issues and witness lists, settlement deadline, and a hearing, which is scheduled to begin December 9, 2024. These dates, in addition to an intervention deadline, are set forth in Attachment A, attached to this order and incorporated herein by reference. Those persons granted intervention are allowed to present evidence and question witnesses as a party, in conformance with the procedural schedule and at the hearing.

SETTLEMENT PROCEDURES

If the parties to this proceeding reach a settlement that resolves any of the contested issues, the settlement must comply with the provisions in 199 IAC chapters 7 and 26. Board subrules 7.18 and 26.15 address the manner and method of proposing a settlement, set forth the content requirements for a settlement proposal, and provide time frames. If a proposed settlement is filed on or before the date specified in the procedural schedule, the Commission will conduct the hearing as scheduled in order to

DOCKET NO. RPU-2024-0001
PAGE 3

allow the parties to present evidence in regard to the settlement, unless it orders otherwise. Any settlement filed after the deadline established herein is likely to necessitate rescheduling of the hearing to allow for review of the settlement. If a settlement is reached among the parties, the Commission is required to consider whether the “settlement is reasonable in light of the whole record, consistent with law, and in the public interest.”

MARKING OF TESTIMONY AND EXHIBITS

Chapter 26 of the Commission’s rules contains procedural rules and filing requirements specific to rate case proceedings. The general contested case procedural rules in 199 IAC chapter 7 apply to this type of proceeding where the rules in chapter 26 do not provide specific guidance. Accordingly, prepared testimony and exhibits shall conform to the Commission’s practice and procedure rules and be filed electronically in accordance with 199 IAC chapter 14. Through this order, the Commission is establishing the following naming conventions for this proceeding; documents that do not comply with this naming convention will not be accepted for filing:

- Testimony shall be designated using the filing party’s name, last name of the witness, and then the type of testimony: “Direct,” “Rebuttal,” “Reply,” or “Supplemental.” Example: “[Filing Party Name] Smith Direct Testimony.” The testimony shall be marked and offered into evidence at the hearing.
- Testimony shall be labeled on each page using the filing party’s name, last name of the witness, then the type of testimony, and “Page X of X” in the upper right corner of the page. Example: “[Filing Party Name] Smith Direct Testimony Page X of X.”
- Any evidence supported by a witness shall be marked with the witness’s last name and then the exhibit, the type of exhibit, and the exhibit number. Exhibits shall be filed separately from the testimony. Examples: “[Filing Party Name]

DOCKET NO. RPU-2024-0001

PAGE 4

Smith Direct Exhibit 1” or “[Filing Party Name] Smith Direct Exhibits 1, 2, 3.”

- Information in an exhibit may be formatted and identified based upon the filing party’s internal policies and shall be identified with the exhibit number at the top right of each page of the exhibit.
- Testimony and exhibits may not be combined into one document.
- Hearing exhibits shall be marked with the filing party’s name and the exhibit number. Example: “[Filing Party Name] Smith Direct Exhibit 1, Workpapers.” Workpapers do not need to be provided to the court reporter unless the workpapers are made into an exhibit at the hearing.
- Testimony and supporting documents should be titled following the described naming convention when entering the document titles in the Commission’s electronic filing system (EFS). Documents that do not comply with this naming convention will not be accepted for filing.
- Exhibits not previously filed in EFS prior to hearing shall be filed in EFS within three days of the conclusion of the hearing.

REQUEST FOR CONFIDENTIAL TREATMENT

Black Hills asserts the information marked in its June 18 and June 26, 2024 filings as confidential should be held as confidential pursuant to Iowa Code §§ 22.7(3) and (6). Black Hills asserts that the indicated portions within the supplemental information provided in the June 18 and 26, 2024 filings are trade secrets and commercially sensitive information, and a report to a government agency, the release of which would give advantage to competitors and serve no public purpose. Black Hills supported its requests for confidential treatment with the affidavit of Kevin Jarosz, Vice President of Iowa Operations for Black Hills, as required by 199 IAC 1.9(6)(b).

No party has objected to Black Hills’ June 18 and June 26, 2024 applications for confidential treatment. Based on the information provided by Black Hills’ application and

DOCKET NO. RPU-2024-0001

PAGE 5

supporting affidavit, the Commission finds the material for which confidential treatment is requested qualifies as a report to a government agency, the release of which would give an advantage to Black Hills' competitors and serve no public purpose. The Commission will grant the application and hold the material confidential under Iowa Code § 22.7(6). Because the Commission finds the material should be held confidential under Iowa Code § 22.7(6), the Commission will not address the claim that the material should be held confidential under Iowa Code § 22.7(3).

ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. The procedural schedule established for this docket is attached to this order and identified as Attachment A.
2. Any settlements that resolve any of the contested issues in this proceeding must be filed on or before November 15, 2024, along with the applicable supporting information identified in Commission rule 199 Iowa Administrative Code 26.15. If a proposed settlement is filed with the Utilities Commission on or before November 15, 2024, the Utilities Commission will consider the settlement and any issues that are not subject to the settlement, at the hearing scheduled pursuant to this procedural schedule, unless the Utilities Commission orders otherwise. Any settlement filed after November 15, 2024, is presumed to necessitate a rescheduling of the hearing to allow sufficient time for review of the settlement.
3. A public hearing for the presentation of evidence and the cross-examination of witnesses will begin at 10 a.m. December 9, 2024, in the Utilities

DOCKET NO. RPU-2024-0001
PAGE 6

Commission's Hearing Room, located at 1375 E. Court Ave., Des Moines, Iowa.

Persons with disabilities who will require assistive services or devices to observe or participate in this hearing shall contact the Utilities Commission at 515-725-7300 or customer@iuc.iowa.gov at least five business days in advance of the hearing to request appropriate arrangements.

4. The Application for Confidential Treatment filed by Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, in Docket No. RPU-2024-0001 on June 18, 2024, is granted.

5. The Application for Confidential Treatment filed by Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, in Docket No. RPU-2024-0001 on June 26, 2024, is granted.

6. The material for which the Utilities Commission has granted confidential treatment shall be withheld from public inspection subject to the provisions of 199 Iowa Administrative Code 1.9(8)(b)(3).

UTILITIES COMMISSION

Erik M. Helland Date: 2024.07.15
11:52:48 -05'00'

Joshua Byrnes Date: 2024.07.15
15:01:38 -05'00'

ATTEST:

Keetah A Horras Date: 2024.07.15
15:21:23 -05'00'

Sarah Martz Date: 2024.07.15
11:30:36 -05'00'

Dated at Des Moines, Iowa, this 15th day of July, 2024.

ATTACHMENT A

RPU-2024-0001 Black Hills Energy	
Activity	Date
Intervention Deadline	8/15/24
OCA & Intervenor Direct Testimony Due	9/20/24
OCA & Intervenor Rebuttal Testimony Due	10/7/24
BHE Rebuttal Testimony Due	10/18/24
OCA & Intervenor Surrebuttal Testimony Due	11/1/24
Joint Statement of Issues and Witness Lists	11/15/24
Notice of Settlement Due	11/15/24
Prehearing Briefs Due	11/22/24
Hearing	12/9-12/11
Simultaneous Post-hearing Briefs Due	TBD
Reply Briefs Due	TBD