

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: BLACK HILLS/IOWA GAS UTILITY COMPANY, LLC d/b/a BLACK HILLS ENERGY	DOCKET NOS. RPU-2021-0002, TF-2021-0044, TF-2021-0045
--	--

**ORDER ESTABLISHING PROCEDURAL SCHEDULE AND SETTING
TECHNICAL CONFERENCE**

BACKGROUND

On June 1, 2021, Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy (Black Hills), filed with the Utilities Board (Board) an Application for Revision of Rates (Application) to increase its annual revenues pursuant to Iowa Code § 476.6 and 199 Iowa Administrative Code (IAC) chapter 26 of the Board's administrative rules. Black Hills' Application was identified as Docket No. RPU-2021-0002. Black Hills filed proposed temporary and permanent tariff revisions, identified as Docket Nos. TF-2021-0044 and TF-2021-0045, respectively.

In its June 1, 2021 Application, Black Hills provided a proposed procedural schedule. On July 13, 2021, the Board issued an order requiring information and denying Black Hills' request for waiver. On July 14, 2021, the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, filed a response to Black Hills' proposed procedural schedule and noted that Black Hills supports OCA's suggested changes to its proposed schedule.

On July 19, 2021, Black Hills filed a request for clarification and guidance

DOCKET NOS. RPU-2021-0002, TF-2021-0044, TF-2021-0045
PAGE 2

concerning the Board's July 13, 2021 order. On July 20, 2021, a scheduling conference was held with Black Hills and OCA.

PROCEDURAL SCHEDULE

At the July 20, 2021 scheduling conference, Black Hills and OCA confirmed that the dates they provided to the Board prior to the scheduling conference were sufficient. Both parties agreed to dates for filing prepared testimony, filing a joint statement of issues, a settlement deadline, and a hearing. These dates, in addition to an intervention date, are set forth in Attachment A, attached to this order and incorporated herein by reference. Additionally, Attachment B, attached to this order and incorporated herein by reference, sets forth the hearing protocols for the December 14-16, 2021 hearing.

Any person may seek intervention up to one week following the last in-person comment meeting scheduled for October 7, 2021. It is expected that those persons who anticipate providing prepared testimony and exhibits will file for intervention prior to the deadline for filing prepared testimony and exhibits. Petitions for intervention filed after a filing deadline will be expected to follow the procedural schedule from the point the petition for intervention is filed. 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 of 199 IAC 7.18 and 199 IAC 26. If a proposed settlement is not filed on or before the date specified in the procedural schedule, the Board will conduct the hearing as scheduled, unless the Board

DOCKET NOS. RPU-2021-0002, TF-2021-0044, TF-2021-0045
PAGE 3

orders otherwise. If a settlement is reached among the parties, the Board is required to consider whether the “settlement is reasonable in light of the whole record, consistent with law, and in the public interest.” In addition, 199 IAC 7.18(1) requires that a motion for the Board to approve a settlement contain a statement adequate to advise the Board of the scope of the settlement and the grounds on which adoption is requested. Non-unanimous settlements must follow the procedures described in 199 IAC 7.18(2)-(5). Each party to a partial settlement shall also file a statement summarizing its position on, and proposed resolution of, each issue that remains in dispute.

To ensure that the Board has the necessary evidence in the record of this docket to fulfill the requirements of 199 IAC 7.18, the parties to any unanimous settlement in this docket shall either cite to those portions of the record that support the terms of the settlement or provide the Board with additional evidence to support the terms of the settlement. Based upon a review of the terms of a settlement, the record, and any additional information requested by the Board, a settlement may be approved as filed, rejected, or approved with modifications that will then need to be considered by the parties.

If the settlement resolves all revenue requirement issues, the parties shall file revenue calculations as required in 199 IAC 26.15(1) and, if the settlement only resolves certain revenue requirement issues, the parties will each comply with the requirements of 199 IAC 26.15(2). Settlements are also required to comply with the requirements in 199 IAC 26.15(3) and (4).

MARKING OF TESTIMONY AND EXHIBITS

Prepared testimony and exhibits shall be filed in accordance with 199 IAC chapter 14 and the following Board naming conventions:

DOCKET NOS. RPU-2021-0002, TF-2021-0044, TF-2021-0045

PAGE 4

- Prefiled direct, rebuttal, and reply testimony shall be identified by “(name of party) (witness last name) Direct/Rebuttal/Reply/Cross-rebuttal Testimony.”
- Exhibits supporting direct, rebuttal, or reply testimony shall be identified by “(name of party) (witness last name) Direct/Rebuttal/Reply/Cross-rebuttal Exhibit (Exhibit number).” Exhibits are numbered sequentially.
- Exhibits offered at hearing shall be identified as “(name of party) Hearing Exhibit (number of exhibit).”
- Information in an exhibit may be formatted and identified based upon the filing party’s internal policies, to the extent such policies are consistent with 199 IAC 14.5, and shall be identified with the exhibit number on each page of the exhibit.
- Testimony and supporting documents should be titled using the naming convention above when entering the document titles in the Board’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 the hearing shall be filed in EFS within three days of the conclusion of the hearing.
- Testimony and exhibits may not be combined into one document; however, workpapers may be combined with exhibits.

Rather than having each party provide a paper copy of its prefiled testimony and exhibits to the court reporter, the Board will ask the parties at hearing to stipulate all prefiled testimony and exhibits be made a part of the record.

TECHNICAL CONFERENCE

In order to address Black Hills’ July 19, 2021 request for clarification and guidance, the Board is scheduling a technical conference at 10 a.m. August 10, 2021.

At least 48 hours prior to the technical conference, Black Hills is to provide the names of its participants; identify whether their attendance will be in person or by webinar; and prepare, file in the docket, and present any other documentation it desires to discuss with Board staff and OCA. The technical conference will be conducted both in person and by webinar. Those attending via webinar will be expected to provide their name and the company they represent and to utilize video for the technical conference.

Instructions for registering and participating via webinar will be provided on the Hearing

DOCKET NOS. RPU-2021-0002, TF-2021-0044, TF-2021-0045
PAGE 5

and Meeting Calendar webpage on the Board's website, iub.iowa.gov. The agenda for the technical conference is set forth in Attachment C, attached to this order and incorporated herein by reference.

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. The hearing protocols established for this docket are attached to this order and identified as Attachment B.
3. Any settlements that resolve any of the contested issues in this proceeding must be filed on or before December 3, 2021, to allow the Utilities Board time to determine whether the hearing should be held as scheduled. If a proposed settlement is filed with the Utilities Board after December 3, 2021, the Utilities Board 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 Board orders otherwise.
4. A public hearing for the presentation of evidence and the cross-examination of witnesses will be held at 9 a.m. December 14 through 16, 2021, in the Utilities Board 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 Board Customer Service at 515-725-7300 or customer.iub.iowa.gov at least five business days in advance of the hearing to request appropriate arrangements.

DOCKET NOS. RPU-2021-0002, TF-2021-0044, TF-2021-0045

PAGE 6

5. A technical conference is scheduled for 10 a.m. August 10, 2021, in the Utilities Board 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 the technical conference shall follow the procedure outlined in Ordering Clause 4.

6. The technical conference agenda is attached to this order and identified as Attachment C.

7. Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, shall provide the names of its participants for the technical conference at least 48 hours prior and identify whether their attendance will be in person or by webinar. Any additional agenda items or documentation related to the items also shall be filed in the docket 48 hours prior to the technical conference.

8. Information for registering and attending the hearing and the technical conference by webinar will be available on the Utilities Board website, iub.iowa.gov, on the Hearing and Meeting Calendar webpage.

UTILITIES BOARD

Geri Huser Date: 2021.08.03
16:53:30 -05'00'

Richard Lozier Date: 2021.08.03
16:38:31 -05'00'

ATTEST:

Louis Vander Streek Louis Vander Streek
2021.08.03 17:15:52
-05'00'

Joshua J Byrnes Date: 2021.08.03
16:59:44 -05'00'

Dated at Des Moines, Iowa, this 3rd day of August, 2021.

**Procedural Schedule
Black Hills Energy Rate Case Hearing
December 14-16, 2021**

<u>Filing/Activity</u>	<u>Date</u>
Application Filed	June 1, 2021
OCA & Intervenor Direct Testimony Due	October 1, 2021
Intervention Deadline	October 14, 2021
OCA & Intervenor Rebuttal Testimony to Each Other Due	October 15, 2021
Black Hills Iowa Gas Rebuttal Testimony Due	October 29, 2021
OCA & Intervenor Rebuttal Testimony Due	November 12, 2021
Joint Statement of Issues Due	November 19, 2021
Notify Board of Desire for Prehearing Conference	November 19, 2021
Prehearing Briefs Due	November 19, 2021
Settlement Deadline	December 3, 2021
Hearing	December 14-16, 2021

**Hearing Protocols
Black Hills Energy Rate Case
December 14-16, 2021**

1. All parties shall file an Attendance and Email Designation on or before December 7, 2021.
 - a. The Attendance and Email Designation shall include:
 - i. A list of attorneys who will participate in the hearing;
 - ii. A list of witnesses who will participate in the hearing;
 - iii. The order in which witnesses will be presented and the attorneys who will present and cross-examine each witness; and
 - iv. Email addresses that will be accessible during the hearing for all persons participating.
 - b. Attorneys may participate in the December 14-16, 2021 hearing via webinar; however, one attorney for each party shall be present in the hearing room at all times during the hearing.
 - c. Witnesses and any attorneys who wish to participate in the hearing via webinar shall submit a written request for Board approval. If the request is approved, registration for the webinar will be via a link on the Hearing and Meeting Calendar webpage at iub.iowa.gov.
 - d. Witnesses and attorneys participating in the hearing via webinar shall use a video camera and a headset with a built-in microphone or a telephone for audio.
 - e. Attorneys participating in the hearing via webinar shall keep their video cameras enabled while the Board is in session.
 - f. Witnesses and attorneys participating in the hearing via webinar shall join the hearing 30 minutes prior to the scheduled start time in order to check audio and video capabilities.
2. Witnesses will be invited to the webinar in Attendee status. Their microphones and video cameras will be disabled. Board staff will promote a witness to Panelist status at the time the witness is called to testify. The witness will be required to enable their microphone and video camera at the start of their testimony. When the witness' testimony has concluded, Board staff will demote the witness back to Attendee status with their microphone and video camera disabled.
3. Procedure for offering exhibits that were not prefiled:
 - a. The parties are encouraged to exchange, prior to the hearing, electronic copies of potential hearing exhibits.

ATTACHMENT B

- b. The party offering a hearing exhibit shall provide sufficient paper copies, in accordance with 199 Iowa Administrative Code 7.23(4)(d).¹ At the time a hearing exhibit is offered and either an attorney and/or witnesses are participating via webinar, the offering party shall, upon the request of opposing counsel, email an electronic copy of the hearing exhibit to opposing counsel so that opposing counsel may share the hearing exhibit with their witnesses, if desired.
- c. Opposing counsel will be given an opportunity to review the hearing exhibit and, depending on the length of the exhibit, either object at the hearing or file an objection within one day of the close of the hearing. If the Board does not rule on the objection at the hearing, the Board will address the objection in an order.
- d. The offering party shall file the hearing exhibit in the Board's electronic filing system within three days of the close of the hearing.

¹ 199 IAC 7.23(4)(d). Unless the exhibit was previously included with prefiled testimony, the party seeking admission of an exhibit at a hearing must provide opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. All exhibits admitted into evidence shall be marked in accordance with the board's approved naming convention and made part of the evidentiary record. If an exhibit is admitted, unless it was previously included with prefiled testimony, the sponsoring party must provide at least one copy of the exhibit to each opposing party, one copy for each board member or presiding officer, one copy for the witness (if any), one copy for the court reporter, and two copies for board staff, unless otherwise ordered. The sponsoring party shall file the hearing exhibit in the docket in the board's electronic filing system within three days of the close of the hearing.

**Technical Conference
Black Hills Energy
10 a.m. August 10, 2021**

Agenda

1. Appearances
2. Introductions
3. Discussion regarding Black Hills' questions
 - a. Updated 30-Year normal HDDs for 1991-2020
 - b. Other required formats, spreadsheets, or models
 - c. Federal tax rate
 - d. Location of adjustments to total tax expense
 - e. IUB rate case template model and workpaper references
 - f. Updates to exhibits regarding final rates versus interim rates
 - g. Staff follow-up questions
4. Discussion regarding current and future process
 - a. Naming conventions
 - b. Filing requirements
 - c. Templates
5. Closing remarks