

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

<p>IN RE:</p> <p>BLACK HILLS/IOWA GAS UTILITY COMPANY, LLC d/b/a BLACK HILLS ENERGY (f/k/a AQUILA, INC., d/b/a AQUILA NETWORKS)</p>	<p>DOCKET NO. EEP-08-3</p>
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**ORDER SUSPENDING HEARING AND ALLOWING IMPLEMENTATION**

(Issued November 14, 2008)

On November 14, 2008, Black Hills/Iowa Gas Utility Company, LLC, d/b/a Black Hills Energy (f/k/a Aquila, Inc., d/b/a Aquila Networks) (Black Hills Energy), and the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a joint motion to suspend the hearing in Docket No. EEP-08-3, which is scheduled to begin November 24, 2008. The joint motion also asked that Black Hills Energy be allowed to implement and track all program costs and savings of its energy efficiency plan, as modified by an anticipated settlement agreement, beginning on January 1, 2009, subject to the terms of the final Board order in Docket No. EEP-08-3.

In support of the motion, Black Hills Energy and Consumer Advocate state that they are in the process of settling most, if not all, of the issues in this docket and would like more time to continue discussions; Black Hills Energy and Consumer Advocate indicate an agreement will be filed with the Board no later than

November 21, 2008. Black Hills Energy and Consumer Advocate note that suspending the hearing will also allow for a settlement conference and the filing of comments pursuant to 199 IAC 7.18(2) and (3) in the event of a non-unanimous settlement agreement. Black Hills Energy and Consumer Advocate do not know at this time if a hearing will be required, but state the hearing could be rescheduled to allow the Board time to review the settlement agreement and any comments.

Black Hills Energy states that it provided a copy of the joint motion on November 13, 2008, to the two other parties to this proceeding, the Natural Resources Defense Council (NRDC) and the Iowa Department of Public Safety (IDPS). Black Hills Energy further states that at the time of the filing of the motion, NRDC had not communicated a definite position to Black Hills Energy and that IDPS indicated it would abstain from the motion.

The Board will grant the motion and suspend the hearing. A new hearing date, if required, will not be set until after the settlement agreement is filed and the Board determines what issues, if any, remain contested. The Board will also allow Black Hills Energy to begin implementing and tracking all program costs and savings of its energy efficiency plan, as modified by the anticipated settlement, on January 1, 2009, subject to the final Board order in this docket. Allowing implementation on January 1, 2009, will ensure continuation of energy efficiency programs for Black Hills Energy's customers.

**IT IS THEREFORE ORDERED:**

1. The hearing scheduled for November 24, 2008, is suspended. Any new hearing date will be set by subsequent order.

2. Black Hills Energy shall implement and track all program costs and savings of its energy efficiency plan, as modified by the anticipated settlement, on January 1, 2009, subject to the final Board order in this docket.

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Sharon Mayer  
Executive Secretary, Assistant to

Dated at Des Moines, Iowa, this 14<sup>th</sup> day of November, 2008.