

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: BLACK HILLS/IOWA GAS UTILITY COMPANY, LLC, d/b/a BLACK HILLS ENERGY	DOCKET NO. WRU-08-44-225
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ORDER GRANTING WAIVER

(Issued December 17, 2008)

On November 24, 2008, Black Hills/Iowa Gas Utility Company, LLC, d/b/a Black Hills Energy (Black Hills Energy), filed with the Utilities Board (Board) a request for waiver of 199 IAC 35.6(4)"a"(1) for calendar year 2008. This subrule provides that an energy efficiency plan modification must be filed in the event the total energy efficiency plan budget changes by a factor of at least plus or minus 5 percent. Black Hills Energy asks the subrule be waived for 2008 because it anticipates revenues will exceed the plan budget and expenses will be less than budgeted, resulting in a change of more than 5 percent. No objections to the waiver request were filed.

In support of its request, Black Hills Energy states that a plan modification for 2008 would create customer confusion because Black Hills Energy has been authorized to begin implementing its new energy efficiency plan on January 1, 2009, subject to any Board modifications.

The Board will grant the waiver request. Reducing the energy efficiency cost recovery factor now, when it will increase with the new energy efficiency plan in 2009,

would create customer confusion. It is important to note that Black Hills Energy does not retain any overcollections, but those are used to reduce what otherwise would be the energy efficiency cost recovery factor in the following year. Granting the waiver will not prejudice the substantial legal rights of any person and will not adversely affect the public health, safety, or welfare. The standards for a waiver contained in 199 IAC 1.3 have been satisfied.

IT IS THEREFORE ORDERED:

The request for waiver filed by Black Hills/Iowa Gas Utility Company, LLC, d/b/a Black Hills Energy, on November 24, 2008, is granted.

UTILITIES BOARD

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 17th day of December, 2008.