

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeem G. Kelly.

Black Hills Power, Inc.,	Docket Nos. ER03-1354-000
Basin Electric Power Cooperative, and	ER03-1354-001
Powder River Energy Corporation	ER03-1354-002

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued August 6, 2004)

1. On May 7, 2004, Black Hills Power, Inc. (Black Hills), Basin Electric Power Cooperative, and Powder River Energy Corporation (collectively, Applicants) filed a settlement and accompanying materials resolving all outstanding issues in the above-referenced dockets. Initial comments in support of the settlement were filed by Trial Staff on May 27, 2004. No reply comments were filed. On June 15, 2004, the Presiding Administrative Law Judge certified the settlement to the Commission as uncontested.
2. The settlement is in the public interest and is hereby approved. The Commission's acceptance of this settlement does not constitute approval or precedent regarding any principle or issue in these proceedings. The Commission retains the right to investigate the rates, terms and conditions under the just and reasonable and not unduly discriminatory or preferential standard of section 206 of the Federal Power Act, 16 U.S.C. § 824e (2000).
3. The tariff sheets submitted with the referenced settlement are not in compliance with Designation of Electric Rate Schedule Sheets, Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000). Applicants are hereby directed to file, within 30 days, their designated Joint Open Access Transmission Tariff as "FERC Electric Tariff Original Volume No. 4."
4. Further, review of Black Hills' past filings with the Commission indicates that it has failed to tender notices of succession in compliance with 18 C.F.R. § 35.16 (2003) when it changed its name from Black Hills Power & Light Company to Black Hills Corporation and when Black Hills Corporation changed its name to Black Hills Power, Inc. Therefore, we direct Black Hills to submit, within 30 days, in a new docket the proper notices of succession.

5. This order terminates Docket Nos. ER03-1354-000, ER03-1354-001 and ER03-1354-002. A new subdocket will be assigned upon receipt of the amended tariff sheets.

By the Commission.

(S E A L)

Linda Mitry,
Acting Secretary.