

Service date: February 4, 1976

BEFORE THE UTILITY DIVISION

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

IN THE MATTER of the application of)	
BLACK HILLS POWER & LIGHT)	
for an order authorizing it to increase its)	
authorized common shares from \$750,000 to)	
\$1,500,000 shares and a)	
2 for 1 split up of the common stock to be)	
effected in the form of a 100 percent stock)	DOCKET NO. 6374
divided to be distributed to the stockholder of)	
record at the close of business February 26,)	DEFAULT ORDER NO. 4239
1976.)	

On December 22, 1975, BLACK HILLS POWER & LIGHT COMPANY, hereinafter referred to as Applicant, a corporation organized and existing under and by virtue of the laws of the State of South Dakota, and qualified to transact business in Montana, filed with the Montana Public Service Commission its verified application, pursuant to Sections 70-117.1 to 70-117.6, inclusive, R.C.M. 1947, requesting an order authorizing Applicant to increase its authorized common shares from \$750,000 to \$1,500,000 shares and a 2-for-1 split of the common stock to be effected in the form of a 100 percent stock dividend to be distributed to stockholders of record at the close of business, February 6, 1976. The application is supported by exhibits and data in accordance with the rules and regulations of the Commission governing the authorization of issuance of securities by electric and gas utility companies operating within Montana. For detailed information with respect to the general character of Applicant's business and the territories served by it. reference is made to its annual reports on file with the Commission.

At a regular open session of the Montana Public Service Commission, held in its office at 1227 11th Avenue, Helena, Montana, on January 22, 1976, there came before the Commission

for final action the matters and things in Docket No. 6374, and the Commission, having fully considered the application and all the data and records pertaining thereto on file with the Commission and being fully advised in the premises, makes the following:

FINDING OF FACT

1. Applicant, BLACK HILLS POWER & LIGHT COMPANY, is a corporation organized and existing under and by virtue of the laws of the State of South Dakota and is qualified to transact business in the State of Montana.
2. Applicant is operating as a public utility as defined in Section 70-103, R.C.M. 1947, and as such is engaged in furnishing utility service in Montana.
3. The Commission has jurisdiction over the subject matter of said application under Sections 70-117.1 through 70-117.6. R.C.M. 1947.
4. Public notice of the filing of application and opportunity for the public hearing was given on December 26, 1975, in the Ekalka Eagle. Ekalaka, Montana; and no protests or requests for a formal hearing were received by January 14, 1976.
5. Applicant's Board of Directors, at a meeting of the Board on October 20, 1975, declared, subject to the Stockholders' increasing the authorized Common shares from 750,000 to 1,500,000 and subject to the approval of this Commission and the Public Service Commission of Wyoming and the Public Utilities Commission of South Dakota, a 2-for-1 split-up of the Common stock to be effected in the form of a 100 percent stock dividend to be distributed to stockholders of record at the close of business February 6, 1976. (Exhibit D-1). Applicant considers it advisable to effect the contemplated split-up because it is believed that this will tend to broaden public interest in the stock, improve its marketability and increase the number of stockholders. All of the beneficial effects listed herein will provide a broader market for the securities as an aid for future financing. Applicant will in the near future file with the Commission an Application for authority to issue and sell additional shares of Common stock.

6. Applicant's stockholders, at a Special Meeting of Stockholders held on January 21, 1976, voted and adopted a resolution to amend the Articles of Incorporation to increase the authorized Common stock from 750,000 to 1,500,000 shares.

7. No finder's or underwriter's fees will be paid in connection with the issuance of such Common stock to effect the 2-for-1 split-up of Common stock. Applicant estimates its expenses at \$3,000 to effect the 2-for-1 split-up of the Common stock, said expenses incurred being the cost of stock certificates, Transfer Agent's and Registrar's fees and mailing expense. The shares of additional Common stock proposed to be issued to effect the 2-for-1 split-up of Common stock will not involve the receipt of any proceeds by Applicant.

CONCLUSIONS OF LAW

The securities transaction proposed by Applicant, as hereinafter authorized, will be for a lawful purpose and is consistent with the public interest; the same is necessary, appropriate and consistent with the proper performance by Applicant of service as a public utility; and the aggregate amount of securities outstanding and proposed to be outstanding will not exceed the fair value of the properties and business of Applicant.

ORDER

IT IS ORDERED by the Commission:

1. The application of BLACK HILLS POWER & LIGHT COMPANY for authority to increase the authorized common shares from 750,000 to 1,500,000 shares and to effect a 2-for-1 split up of the common stock in the form of a 100 percent stock dividend to be distributed to stockholders of record at the close of business February 6, 1976; is approved.

NOTE: Section 70-117.6, R.C.M. 1947, provides that neither the issuance of securities by Applicant pursuant to the provisions of this order, nor any other act or deed done or performed in connection therewith, shall be construed to obligate the State of Montana to pay or guarantee in any manner whatsoever any security authorized, issued, assumed or guaranteed hereunder.

The approval of this stock split shall not be construed as precedent to prejudice any future action of this Commission.

Issuance of this Order does not mean acceptance of the Applicant's exhibits or other material accompanying the application for any purpose other than the issuance of this Order.

DONE on January 22, 1976, by a 5-0 vote.

BY ORDER OF THE PUBLIC SERVICE COMMISSION

GORDON E. BOLLINGER, Chairman

P.J. GILFEATHER, Commissioner

THOMAS G. MONAHAN, Commissioner

JAMES R. SHEA, Commissioner

GEORGE TURMAN, Commissioner

ATTEST:

Gail E. Behan
Secretary

NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing within thirty (30) days from the service of this Order, a petition for review pursuant to Section 82-4216, R.C.M. 1947.