

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

IN THE MATTER OF OTTER TAIL POWER
COMPANY ON BEHALF OF BIG STONE II CO-
OWNERS FOR AN ENERGY CONVERSION
FACILITY PERMIT FOR THE CONSTRUCTION
OF THE BIG STONE II PROJECT

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CIV 06-399

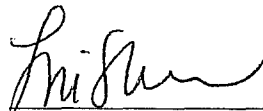
**JUDGMENT OF
AFFIRMANCE**

This action came on for oral argument before the Court on February 26, 2007 at 1:30 p.m., the Honorable Lori S. Wilbur, Circuit Court Judge, presiding. The Court having considered the record in the case transmitted by the agency and the briefs submitted and oral arguments made by counsel for each of the parties and the Court having found therein good and sufficient cause to render a judgment affirming the final agency decision that is the subject of this appeal, it is

ORDERED ADJUDGED AND DECREED that the Final Decision and Order, including Findings of Fact, Conclusions of Law and Rulings on Proposed Findings of Fact, in Docket EL05-022, issued by the South Dakota Public Utilities Commission and dated July 21, 2006, is hereby affirmed in accordance with the decision of the Court entered on the record following oral argument on February 26, 2007.

Dated at Pierre, South Dakota, this 27 day of February, 2007.

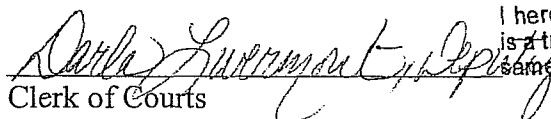
BY THE COURT:



STATE OF SOUTH DAKOTA
Circuit Court Judge
Sixth Judicial Circuit Court

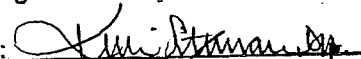
I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on file in my office on this date:

ATTEST:


Clerk of Courts

FEB 27 2007

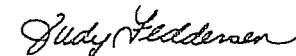
Judy Feddersen
Hughes County Clerk of Courts

By: 

STATE OF SOUTH DAKOTA
CIRCUIT COURT, HUGHES CO.

FILED

FEB 27 2007

 Clerk
By: _____ Deputy