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OCT 11 2006

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- Michael F. Tobin*
- Christopher W. Madsen*
- Sherri L. Rotert***
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October 6, 2006

Hughes County Clerk of Courts
P.O. Box 1238
Pierre SD 57501

Re: 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 Big Stone II Project
Civ. No. 06-399
Our File No. 11402.000

Dear Clerk:

Enclosed for filing please find the original Appellee's Additional Statement of Issues on Appeal. Thank you for your courtesies in this matter.

Sincerely yours,

BOYCE, GREENFIELD, PASHBY & WELK, L.L.P.

Christopher W. Madsen

CWM/taj

Enclosure

- cc: John Smith
- Karen Cremer
- John Davidson
- Elizabeth Goodpaster

*Also licensed in Kansas

**Also licensed in Colorado

+Also licensed in Minnesota

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CIRCUIT COURT

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF HUGHES)

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
SOUTH DAKOTA PUBLIC UTILITIES 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

Civ. No. 06-399

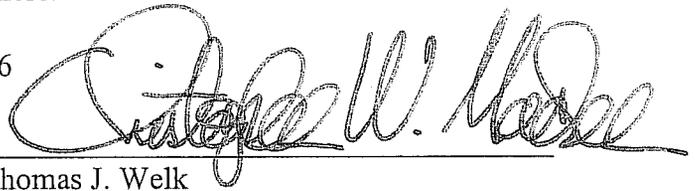
APPELLEE'S ADDITIONAL STATEMENT
OF ISSUES ON APPEAL

PUC Docket No. EL-05-022

Pursuant to SDCL 1-26-31.4, Appellee, Big Stone II Co-Owners states the following issue is to be submitted to the Circuit Court in this appeal, in addition to the issue previously stated by Appellants, Izaak Walton League of America – Midwest Office, Minnesota Center for Environmental Advocacy, Union of Concerned Scientists and Fresh Energy (f/k/a Minnesotans for an Energy-Efficient Economy) (“Joint Intervenors”) dated September 20, 2006:

1. Whether the Circuit Court lacks jurisdiction to consider this appeal due to the failure of Joint Intervenors to timely file and serve notice of appeal.
2. Notwithstanding the issue of jurisdiction, set forth above, what is the proper scope of issues which may be appealed by Joint Intervenors.

Dated this 6 day of October, 2006



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Attorneys for Big Stone II Co-Owners

CERTIFICATE OF SERVICE

I, Christopher W. Madsen, do hereby certify that I am a member of the law firm of Boyce, Greenfield, Pashby & Welk, L.L.P., attorneys for the Co-owners of Big Stone II Project and that on the 6 day of October, 2006, true and correct copies of the Appellee's Statement of Issues were served via United States first class mail, postage prepaid thereon on the following at their last known addresses:

John Smith
c/o SD Public Utilities Commission
500 East Capitol
Pierre, SD 57501

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