

Dustin Johnson, Chair
Gary Hanson, Vice Chair
Steve Kolbeck, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

Capitol Office
(605) 773-3201
(605) 773-3809 fax

Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

February 27, 2007

Ms. Judy Feddersen
Clerk of Courts
P. O. Box 1238
Pierre, SD 57501-1238

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 the Big Stone II Project
Civ. 06-399 (EL05-022)

Dear Ms. Feddersen:

Enclosed for filing you will Notice of Entry of Judgment with reference to the above captioned matter.

Very truly yours,

John Smith
Special Assistant Attorney General

Enc.



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Gary Hanson, Vice Chair
Steve Kolbeck, Commissioner

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February 27, 2007

Mr. John Davidson
Attorney at Law
USD School of Law
414 East Clark Street
Vermillion, SD 57069

Mr. Thomas J. Welk
Mr. Christopher W. Madsen
Attorneys at Law
Boyce, Greenfield, Pashby & Welk
P. O. Box 5015
Sioux Falls, SD 57117-5015

Ms. Janette K. Brimmer
Ms. Elizabeth I. Goodpaster
Attorneys at Law
Minnesota Center for Environmental Advocacy
26 East Exchange Street, Suite 206
St. Paul, MN 55101

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 the Big Stone II Project
Civ. 06-399 (EL05-022)

Dear Counsel:

Enclosed each of you will find a copy of Notice of Entry of Judgment in the above captioned matter. This is intended as service upon you by mail.

Very truly yours,

John Smith
Assistant Attorney General

Enc.

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

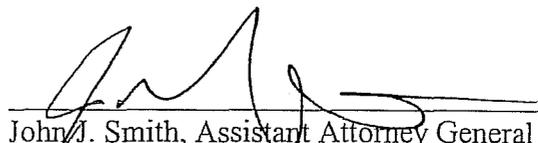
**NOTICE OF ENTRY OF
JUDGMENT**

**TO: MINNESOTA CENTER FOR ENVIRONMENTAL ADVOCACY, FRESH ENERGY,
IZAAK WALTON LEAGUE OF AMERICA – MIDWEST OFFICE, THE UNION OF
CONCERNED SCIENTISTS AND OTTER TAIL POWER COMPANY ON BEHALF
THE BIG STONE II CO-OWNERS**

PLEASE TAKE NOTICE that a Judgment of Affirmance, a copy of which is attached hereto,
was entered and filed by the Court on the 27th day of February, 2007, in the office of the Clerk of
Courts of Hughes County, South Dakota.

Dated this 27th day of February, 2007.

SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION



John J. Smith, Assistant Attorney General
500 East Capitol Avenue
Pierre, SD 57501
Ph. (605) 773-3201
Fax (605) 773-3809

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

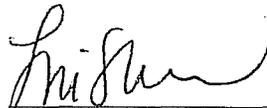
**JUDGMENT OF
AFFIRMANCE**

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:

STATE OF SOUTH DAKOTA
CIRCUIT COURT, HUGHES CO.

FILED

FEB 27 2007

FEB 27 2007

Judy Feddersen
Hughes County Clerk of Courts

Judy Feddersen Clerk
By _____ Deputy

ATTEST:

Carla Swenson
Clerk of Courts

By: *Kim Stroman*

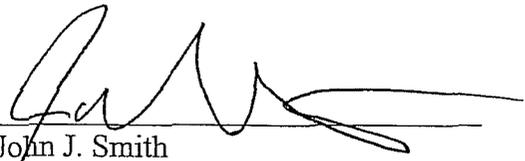
CERTIFICATE OF SERVICE

I hereby certify that copies of the Notice of Entry of Judgment and Judgment of Affirmance were served on the following by mailing the same to them by United States first class mail, postage thereon prepaid, at the addresses shown below on this the 27th day of February, 2007.

John Davidson
USD School of Law
414 East Clark St.
Vermillion, SD 57069

Thomas J. Welk
Christopher W. Madsen
Boyce Greenfield Pashby & Welk
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