

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE FILING BY)	Docket No. EL04-016
SUPERIOR RENEWABLE ENERGY LLC)	
ET AL AGAINST MONTANA-DAKOTA)	
UTILITIES CO. REGARDING THE)	SETTLEMENT AGREEMENT
JAVA WIND PROJECT)	TO RESOLVE COMPLAINT
		AND TERMINATE DOCKET

Superior Renewable Energy LLC ("Superior") and Montana-Dakota Utilities Co. ("Montana-Dakota"), by their undersigned counsel of record hereby agree that the complaint in the above-captioned proceeding is resolved. The parties agree to file a joint motion with the Commission requesting that the Commission terminate its investigation in this matter and close the docket. In support of this Agreement, the Parties state as follows:

1. On May 12, 2004, Superior, on behalf of its wholly-owned subsidiary, Java LLC (Java), filed a complaint in the above-captioned docket against Montana-Dakota requesting the Commission to settle a dispute regarding the long-term purchase price of electricity generated from the Java facility, a qualifying small power producer (QF) pursuant to the Public Utility Regulatory Policies Act of 1978.
2. After preparation for hearing, exchange of data and extensive negotiation, they have agreed to a power purchase agreement thus making further proceedings in this matter unnecessary. Superior and MDU have reached an agreement on the matters set forth in the complaint and no longer require the Commission to settle the dispute.
3. Superior and MDU hereby agree to file a joint motion with the Commission requesting that the Commission (1) accept this Settlement Agreement in conclusion of the

complaint proceeding, (2) terminate its investigation conducted pursuant to SDCL 49-34A-26
and (3) close this docket.


Dated this 19 day of December, 2005.

For Montana-Dakota Utilities Co.

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CERTIFICATE OF SERVICE

David A. Gerdes of May, Adam, Gerdes & Thompson LLP hereby certifies that on the ____ day of December 2005, he mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the foregoing in the above-captioned action to the following at their last known addresses, to-wit:

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