

LAW OFFICES
RITER, ROGERS, WATTIER & BROWN, LLP
Professional & Executive Building
319 South Coteau Street
P.O. Box 280
Pierre, South Dakota 57501-0280
www.riterlaw.com

ROBERT C. RITER, Jr.
DARLA POLLMAN ROGERS
JERRY L. WATTIER
JOHN L. BROWN

MARGO D. NORTHRUP, Associate

February 2, 2005

OF COUNSEL:
Robert D. Hofel
E. D. Mayer
TELEPHONE
605-224-5825
FAX
605-224-7102

Karen Cremer, Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501

Re: Docket EL04-032
Our File Number 04-189

RECEIVED
FEB 02 2005
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Dear Karen:

Enclosed herein are the original and ten copies of STIPULATION TO AMEND PETITION executed by both Alan D. Dietrich and myself.

Sincerely yours,


Darla Pollman Rogers
Attorney at Law

DPR/ph

Enclosures

CC: Alan D. Dietrich

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

FEB 02 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE PETITION
FOR ELECTRICAL SERVICE BY
DAKOTA TURKEY GROWERS, LLC,
TO HAVE DAKOTA ENERGY
COOPERATIVE, INC., ASSIGNED AS
ITS ELECTRIC PROVIDER IN THE
SERVICE AREA OF NORTHWESTERN
ENERGY

Docket No. EL04-032

STIPULATION TO
AMEND PETITION

STIPULATION TO AMEND PETITION

WHEREAS, Dakota Turkey Growers, LLC ("Petitioner") filed a Petition for Electric Service ("Petition") in Docket No. EL04-032 on October 14, 2004; and

WHEREAS, Northwestern Corporation, d/b/a NorthWestern Energy ("Intervenor") filed a Petition to Intervene in said docket on November 1, 2004; and

WHEREAS, on January 25, 2005, Petitioner discovered that the Petition filed on October 14, 2004, contains an inadvertent clerical error in the legal description of the site upon which Petitioner is constructing a turkey processing plant. The Petition contains the following incorrect legal description:

Northeast Quarter of Section 4, Township 110 North, Range Six West, in Beadle County, South Dakota, approximately one and one-half miles east of Huron, South Dakota, on the south side of Highway 14.

The correct legal description is as follows:

Northeast Quarter of Section 4, Township 110 North, Range Sixty-One West, in Beadle County, South Dakota, approximately one and one-half miles east of Huron, South Dakota, on the south side of Highway 14.

WHEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto as follows:

1. Pursuant to ARSD 20:10:01:16, the parties stipulate and agree to a revision to the Petition as follows: the incorrect legal description on Page 1 of the Petition shall be deleted and replaced with the correct legal description.

2. Petitioner agrees to file the Amended Petition with the Commission and serve Intervenor with a copy of the Amended Petition.

Feb. 2, 2005
Date

Darla Pollman Rogers
Darla Pollman Rogers
Riter, Rogers, Wattier & Brown, LLP
P. O. Box 280
Attorney for Petitioner

January 21, 2005
Date

Alan D. Dietrich
Alan D. Dietrich
Northwestern Corp.
125 South Dakota Ave., #1100
Sioux Falls, South Dakota 57104
Attorney for Intervenor