

7. On or about March 22, 2006, I received Big Stone II Co-owner Responses to Information Requests Nos. 25-49. (See Appendix).

8. On April 13, 2006, I received Big Stone II Co-owner Responses to Intervenors' Fourth Request for Production of Documents, which response incorporates by reference the responses Information Requests 3 through 49. (See Appendix).

9. I have repeatedly, by telephone and in writing, contacted counsel for the Big Stone II Co-owners, Mr. Todd Guerrero and Mr. Peter Tester, regarding the non-responsive nature of the purported responses to Information Requests Nos. 17 and 48. Because the purported responses have been incorporated by reference by Big Stone II Co-owners in SDPUC Docket No. EL05-022, the response to Intervenors' Fourth Request for Production of Documents, is similarly non-responsive.

10. On April 18, 2006, I sent electronic mail correspondence to Mr. Tester, identifying data that we believed had not been provided in response to IR No. 17/Request for Production 4 by Otter Tail Power, including data files associated with five scenarios modeled in the its 2005 Resource Plan. (See Appendix).

11. On May 3, 2006, by electronic mail to Mr. Tester and Mr. Guerrero, I reiterated the lack of an OTP response that provides data files associated with five scenarios modeled in its 2005 Resource Plan, and repeated a previous issue I had raised regarding the Big Stone II Co-owners' failure to provide any response to the portion of IR No. 17 that sought documents used to develop the inputs used for the 2005 Resource Plans. (See Appendix).

12. On May 4, 2006, I received correspondence dated May 3, 2006, from Mr. Tester, stating that he had confirmed with Big Stone II Co-owners OTP and SMMPA, that all data responsive to Information Request No. 17 had been provided to Intervenors, and that he would confirm that the same was true for the other Co-owners. (See Appendix).

13. Also on May 4, 2006, by electronic mail, I contacted Mr. Tester and Mr. Guerrero, to attempt to further identify data that we believed that Great River Energy had not provided, but that was within the scope of IR No. 17. (See Appendix).

14. Also on May 4, 2006, I received a telephone call from Mr. Tester and Mr. Guerrero, in which they stated that OTP could not provide modeling files regarding the other five scenarios modeled in the OTP Resource Plan, due to an agreement with a vendor, Manitoba Hydro, that restricted release of that piece of data that is embedded in the modeling files we requested, and that it would be unduly burdensome for OTP to create a redacted version of the modeling files. Later that day, Mr. Tester and a representative of OTP provided me with the telephone number of a staff person at Manitoba Hydro, whom I was to ask permission for the requested data to be released by OTP to Intervenors.

15. On May 5, 2006, I spoke with Don Bjornson at the Manitoba Hydro law department, and provided him a copy of the nondisclosure agreement for this proceeding. I have

not yet heard back from Manitoba Hydro. My understanding is that an order from the Commission granting our motion to compel would also allow release of the data to Intervenor.

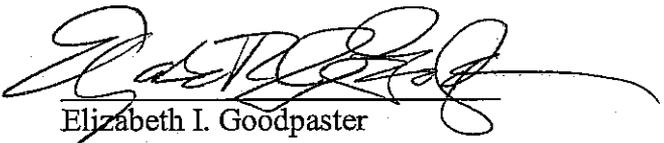
16. In March 30, 2006, correspondence addressing the non-responsiveness of Big Stone II Co-owners responses to Information Requests Nos. 25-49/Request for Production 4, I communicated, among other issues, the need for a response to IR No. 48. (See Appendix).

17. On May 4, 2006, I received supplementary responses to IR Nos. 25-49 from Big Stone II Co-owners, indicating that no further response to IR No. 48 would be provided. (See Appendix).

18. Because Big Stone II Co-owners have either failed or refused to respond to the discovery Intervenor have propounded, and as set forth in the Affidavit of David A. Schlissel, of Synapse Energy Economics, Intervenor are unable to complete the analysis required to submit our pre-filed testimony on May 19, 2006.

FURTHER YOUR AFFIANT SAYETH NOT.

Dated: May 8 2006


Elizabeth I. Goodpaster

Sworn to before me on the 8th
Day of May, 2006.

Coraelsie Faye Kester
Notary Public

