

Boyce, Greenfield **RECEIVED** Pashby & Welk, LLP

JUN 15 2006

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Direct Dial: 605-731-0205

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

June 15, 2006

VIA UPS OVERNIGHT

Attorneys at Law

Patty VanGerpen, Ex. Director
SD Public Utilities Commission
500 E Capitol
Pierre SD 57501

101 N. Phillips Ave., Suite 600

Sioux Falls, SD 57104

P.O. Box 5015

Sioux Falls, SD 57117-5015

Re: In the Matter of the Application by 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 (EL05-022)
Our File No. 11402.000

P: 605-336-2424

F: 605-334-0618

www.bgpw.com

Dear Ms. Van Gerpen:

Please find attached the original and four (4) copies of the Motion to Take Judicial Notice together with four (4) copies of the Draft EIS. By copy of this letter the motion is being served on all counsel on the E-Service List.

Sincerely yours,

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

Christopher W. Madsen
CWM/vjj
Enclosure

cc (via email): John J. Smith

- John Davidson
- Lesley J. Adam
- Michael D. O'Neill
- Elizabeth Goodpaster
- Casey Davidson
- Mary Jo Stueve
- Karen Cremer
- Bruce Nilles
- Patrick Gallagher
- George Hays
- Sanjay Narayan
- Todd Guerrero/David Sasseville
- Bruce Gerhardson

Russell R. Greenfield

Gary J. Pashby

Thomas J. Welk

Michael S. McKnight

Gregg S. Greenfield

Roger A. Sudbeck

Lisa K. Marso

*Heather R. Springer**

Darin W. Larson

Michael F. Tobin

Christopher W. Madsen

*Sherri L. Rotert***

Charles A. Larson

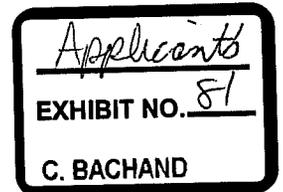
Joanne M. Haase+

**Also licensed in Kansas*

***Also licensed in Colorado*

+Also licensed in Minnesota

J.W. Boyce (1884-1915)



RECEIVED

JUN 16 2006

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

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

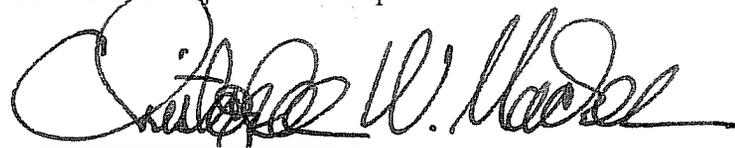
Docket No. EL 05-022

MOTION TO TAKE JUDICIAL NOTICE

Applicant Big Stone II Co-owners ("Applicant), by and through its undersigned attorneys of record, respectfully moves the Commission to take notice of the Draft Environmental Impact Statement dated May, 2006 ("Draft EIS"), pursuant to SDCL 1-26-19 and SDCL Ch. 19-10. Copies of the Draft EIS are publicly available upon request from the Western Area Power Administration. Applicant forwarded copies of the Draft EIS to all parties on the service list, including the PUC Staff, on May 5, 2006. Notice of the availability of the Draft EIS was published in the Federal Register of May 19, 2006. Four copies of the Draft EIS are being transmitted to the Commission with this motion. The Draft EIS has been marked as Applicants' Exhibit 53.

Counsel for Applicant has discussed this motion for judicial notice with counsel for the Staff and other parties. Pursuant to said discussions, counsel for Applicant is authorized to state that Staff and MCEA have no objection. ~~Mary Jo Stueve does object to this request.~~

Dated this 15th day of June, 2006



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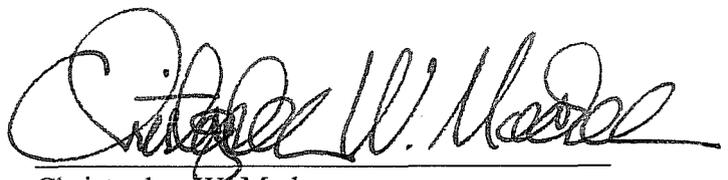
Attorneys for Co-owners

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 15th day of June, 2006, true and correct copies of the Motion to Take Judicial Notice were served via email to the following addresses listed on the E-Service List and by regular mail:

John Davidson	john.davidson@usd.edu
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Casey Davidson	davidsonlaw@mchsi.com
Mary Jo. Stueve	mj_stueve@hotmail.com

Dated this 16th day of June, 2006.



Christopher W. Madsen