

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

IN THE MATTER OF THE COMPLAINT BY )  
PRELUDE, L.L.C. AGAINST BASIN )  
ELECTRIC POWER COOPERATIVE, BUTTE )  
ELECTRIC COOPERATIVE, INC., GRAND )  
ELECTRIC COOPERATIVE, INC., MOREAU- )  
GRAND ELECTRIC COOPERATIVE, INC., )  
ROSEBUD ELECTRIC COOPERATIVE, INC., )  
AND RUSHMORE ELECTRIC POWER )  
COOPERATIVE, INC. FOR REFUSING TO )  
ENTER INTO QUALIFIED FACILITIES )  
PURCHASE POWER AGREEMENTS )

**NOTICE OF HEARING**

**EL14-042**

TO PARTIES:

PLEASE TAKE NOTICE that on July 22, 2014, at 9:30 a.m. CDT, during the regularly-scheduled Commission Meeting, a hearing will be held regarding the Motion to Dismiss filed by Basin Electric Power Cooperative (Basin). The location will be Room 414, State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota. All parties to this docket have the right to appear and be heard.


The Commission has jurisdiction in this matter pursuant to 16 U.S.C. Chapter 12, § 824a-3, 18 C.F.R. Part 292, and SDCL Chapter 1-26, particularly 20:10:01:01.02, Chapter 15-6, particularly 15-6-8(b), and Chapter 49-34A.

The hearing will be open to the public. The hearing will be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights may be forfeited if not exercised at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, the decision will be based solely on the pleadings and arguments at the hearing, or a decision may be issued by default

pursuant to SDCL 1-26-20. After the hearing, the Commission will consider the pleadings, motions, and briefs in the record and the arguments of the parties at the hearing. The Commission may then enter a final decision regarding this matter. As a result of this hearing, the Commission will determine whether to grant Basin's Motion to Dismiss, in which Basin requests that the Commission dismiss this docket for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted. The Commission's final decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated this 12<sup>th</sup> day of June, 2014.

  
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Kristen N. Edwards  
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South Dakota Public Utilities Commission  
500 E. Capitol Avenue  
Pierre, SD 57501