

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

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**IN THE MATTER OF THE  
COMPLAINT BY JUHL ENERGY, INC.  
AGAINST NORTHWESTERN  
CORPORATION DBA  
NORTHWESTERN ENERGY FOR  
ESTABLISHING A PURCHASE  
POWER AGREEMENT**

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**STAFF'S PROPOSAL FOR  
PROCEDURAL SCHEDULE**

**EL16-021**

Staff notes that some of these dates have passed; however, those dates are included for consistency and clarity. In addition, rather than proposing specific dates by which any discovery motions must be filed, Staff recommends requiring parties to file any motion to compel discovery within two weeks of receipt of the discovery in question. Statute does not proscribe a time frame for filing such motions; however, it does require the parties to work together in good faith to resolve discovery disputes prior to filing a motion.<sup>1</sup> Therefore, two weeks is an appropriate amount of time, provided the parties negotiate in good faith should an extension be necessary.

Staff recommends a response deadline for discovery of 10 business days following receipt of discovery, rather than a set date for response. This will allow and encourage parties to be efficient in sending their discovery requests. In addition, while the other parties discussed deadlines for rounds of discovery during schedule negotiations, Staff proposes to refrain from limiting discovery to a set number of rounds, and instead, suggests allowing parties to conduct as much discovery as they require, but set an end date for discovery. Statute does not limit the amount of discovery a party can conduct in a contested proceeding, and Staff prefers not to do so now.

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<sup>1</sup> See SDCL 15-6-37(a)(2).

Although the other parties may prefer to limit their first round of discovery to Juhl, as Juhl is the only party who has filed testimony at this point, Staff prefers the option to request discovery of all parties at any time.

Finally, all dates contained in Staff's proposal are provided with the caveat that all deadlines are understood to be interpreted as "on or before." Thus, Staff will endeavor to make efficient use of time when conducting discovery and encourages others to do so, as well.

Staff proposes the following procedural schedule:

Juhl Testimony	July 29, 2016
Commencement of Discovery Process	August 17, 2016
Notice Depositions & Subpoenas to Juhl Witnesses	September 6, 2016
Depositions of Juhl Witnesses Completed	September 23, 2016
NorthWestern Response Testimony	October 17, 2016
Notice Depositions & Subpoenas to NorthWestern Witnesses	December 1, 2016
Depositions of NorthWestern Witnesses Completed	December 23, 2016
Staff Testimony	January 10, 2017
Rebuttal Testimony	February 10, 2017
Final Discovery to all parties	March 10, 2017
Pre-hearing Memorandum	March 31, 2017
File Witness and Exhibit Lists	April 7, 2017
Evidentiary Hearing	April 11 – 14, 2017

Dated this 10th day of August, 2016.



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