



Dustin Johnson, Chair
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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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October 2, 2009

Patricia Van Gerpen
SD Public Utilities Commission
500 E. Capitol
Pierre, SD 57501

Re: HP09-001

Dear Ms. Van Gerpen:

On June 30th, 2009, the Commission issued a Procedural Order after receiving no public comments. The Order outlined the pre-hearing discovery and testimony process and set November 2 through 6 evidentiary hearing dates. Based on the Commission's order, commission staff made arrangements with fifteen witnesses regarding availability. Eight out of town staff expert witnesses made necessary travel and lodging arrangements. The PUC reserved a hearing room, and contracted with a court reporter for the November hearing dates. The hearing is now less than thirty days away.

Despite the June procedural schedule and a subsequent extension, Dakota Rural Action has not yet filed testimony. More concerning, however, Dakota Rural Action made statements that lead staff to believe it may ultimately request the November hearing be rescheduled. To delay the hearing will cause substantial scheduling problems. It may be impossible at this late date to obtain a hearing room with the necessary web-cast equipment. Additionally, Commission staff may contractually run into difficulties with its experts.

South Dakota code gives the commission a very limited time in which to consider this siting application. Commission Staff believes it is necessary for the parties to be forthcoming regarding their position and asks the Commission to render a decision regarding whether the hearing will proceed as it was scheduled in June. Commission staff believes it is important and necessary to follow procedural schedules and urges the commission to enforce the current procedural schedule and hold the hearing as scheduled.

Sincerely,

Kara Semmler