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

IN THE MATTER OF THE COMPLAINT BY OAK	)	
TREE ENERGY LLC AGAINST NORTHWESTERN	ĺ	SCHEDULING ORDER
ENERGY FOR REFUSING TO ENTER INTO A	)	
PURCHASE POWER AGREEMENT	)	EL11-006

On April 28, 2011, Oak Tree Energy, LLC (Oak Tree or Complainant) filed a Complaint with the South Dakota Public Utilities Commission (Commission) against NorthWestern Corporation d/b/a NorthWestern Energy (NWE). The Complaint alleges that a dispute exists between Complainant and NWE over the terms of a power purchase agreement (PPA) sought by Oak Tree for the purchase by NWE of Oak Tree's output from its Oak Tree Project (Project), a 19.5 MW nameplate capacity wind generation facility located in Clark County that is a Qualified Facility under the Public Utility Regulatory Policy Act of 1978, 16 U.S.C. § 824a-n (PURPA). The Complaint requests that the Commission exercise its jurisdiction to resolve the dispute between the Complainant and NWE, determine NWE's avoided costs over the 20 year life of the Project that it must pay Oak Tree under PURPA for electricity generated from the Project, and grant Oak Tree such other relief as is necessary for Oak Tree to obtain a PPA with NWE for electricity produced from the Project on terms consistent with the requirements of PURPA and the Commission's 1983 Order in Docket F-3365.

On May 5, 2011, the Commission electronically transmitted notice of the filing and the intervention deadline of May 20, 2011, to interested persons on the Commission's PUC Filings electronic notice list. No petitions for intervention were filed. On May 20, 2011, NWE filed its Answer to the Complaint.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-13, and 49-34A, including 49-34A-93.

On June 1, 2011, Commission Counsel held a pre-hearing scheduling teleconference with counsel for all parties participating. The parties agreed to the following procedural schedule:

July 15, 2011	Oak Tree and NWE first round discovery served
Aug. 15, 2011	All parties' responses to Oak Tree and NW first round discovery served
Sept. 9, 2011	Oak Tree and NWE second round and Staff first round discovery served
Sept. 23, 2011	All parties' responses to Oak Tree and NWE second round and to Staff first round discovery served
Sept. 23, 2011	Following receipt of second round and Staff first round discovery responses, all parties will serve any deposition notices and subpoenas promptly to enable scheduling and completion of depositions prior to Nov. 3, 2011, if possible
Nov. 3, 2011	Oak Tree direct testimony filed and served
Dec. 2, 2011	NWE direct and responsive testimony filed and served

Dec. 16, 2011 Staff testimony filed and served

Jan. 6, 2012 Oak Tree rebuttal testimony filed and served and NWE testimony

responsive to Staff testimony filed and served

Jan. 13, 2012 Pre-hearing motions filed and served

A pre-hearing conference will be scheduled prior to the hearing upon the request of a party or Commission Counsel. A hearing date has not been set as of this date. As of the pre-hearing conference, it was the consensus of the parties that two days was the appropriate duration to schedule for hearing. Once the progress of the case becomes more certain, Commission Counsel will contact the parties with available hearing dates following as soon as possible after January 13, 2012, for clearance with the parties.

It is therefore

ORDERED, that the procedural schedule set forth above is established and shall be followed by the parties, and all above-described documents shall be filed and served on or before the above dates unless an order modifying this schedule is approved by the Commission.

Dated at Pierre, South Dakota, this \_\_\_\_\_day of June, 2011.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.  By:
Date: 6-17-11
(OT TOTAL OLAL)

BY ORDER OF THE COMMISSION:

STEVE KOLBECK, Chairman

GARY HANSON, Commissioner

CHRIS NELSON, Commissioner