

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

**IN THE MATTER OF THE COMPLAINT BY OAK)
TREE ENERGY LLC AGAINST)
NORTHWESTERN ENERGY FOR REFUSING)
TO ENTER INTO A PURCHASE POWER)
AGREEMENT)**

**ORDER GRANTING MOTION
TO EXPEDITE**

EL11-006

On April 28, 2011, Oak Tree Energy, LLC (Oak Tree) filed a complaint against NorthWestern Corporation d/b/a NorthWestern Energy (NWE). The dispute involves a proposed wind generation project located in Clark County, South Dakota. Oak Tree alleges that the project is a "Qualified Facility" under PURPA and that NWE refuses to enter into a purchase power agreement. On June 17, 2011, the Commission issued a Scheduling Order. On September 7, 2011, Oak Tree filed a Motion to Compel. On October 20, 2011, the Commission issued an Amended Scheduling Order. On November 14, 2011, the Commission issued an Order Granting in Part Motion to Compel. On December 13, 2011, Oak Tree filed its written direct testimony. On January 13, 2012, NWE filed its written direct testimony. On January 27, 2012, Staff filed its written testimony. On February 7, 2012, the parties stipulated to an amended filing schedule. On February 8, 2012, Oak Tree filed its Second Motion to Compel and on February 9, 2012, filed Oak Tree Energy, LLC's Motion to Expedite Hearing. On February 13, 2012, NWE filed NorthWestern Energy's Resistance to Oak Tree Energy, LLC's Second Motion to Compel. At its ad hoc meeting on February 13, 2012, the Commission granted Oak Tree's Motion to Expedite, setting the Motion on for consideration at its regular meeting on February 14, 2012.

The Commission considered the Motion at an ad hoc meeting on February 13, 2012. After a lengthy discussion, Commissioner Hanson moved to deny Oak Tree's Motion. The motion failed with Chairman Nelson and Commissioner Fiegen dissenting. The Commission then voted to grant the Motion to Expedite Hearing and consider Oak Tree's Second Motion to Compel at its regular meeting on February 14, 2012, with Commissioner Hanson dissenting. It is therefore

ORDERED, that Oak Tree's Motion to Expedite Hearing is granted.

Dated at Pierre, South Dakota, this 16 day of February, 2012.

<p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>[Signature]</u></p> <p>Date: <u>2-16-12</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

[Signature]
CHRIS NELSON, Chairman

[Signature]
KRISTIE FIEGEN, Commissioner

[Signature]
GARY HANSON, Commissioner