

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

<b>IN THE MATTER OF THE COMPLAINT BY )</b>	<b>POST-HEARING</b>
<b>OAK TREE ENERGY LLC AGAINST )</b>	<b>PROCEDURAL ORDER</b>
<b>NORTHWESTERN ENERGY FOR )</b>	
<b>REFUSING TO ENTER INTO A PURCHASE )</b>	<b>EL11-006</b>
<b>POWER AGREEMENT )</b>	

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 (Project). Oak Tree alleges that the project is a "Qualified Facility" under PURPA and that NWE refuses to enter into a purchase power agreement. On February 28, 2012, the Commission issued an Order for and Notice of Hearing setting the matter for hearing on March 21-21, 2012. The hearing was held as scheduled. At the conclusion of the evidentiary hearing, dates for submission of briefs and oral argument were agreed among counsel for the parties and the Commission with oral argument procedures and time limits to be discussed later between Commission Counsel and the parties. Oral argument was set for the afternoon of April 26, 2012. Subsequent to the hearing, a matter that had been scheduled for hearing on the morning of April 26 was continued to a later date. After an email exchange between Commission Counsel and counsel for the parties, it was agreed to reschedule oral argument for April 26, 2012, at 10:00 a.m. CDT and to set forth procedural directives for oral argument. Accordingly, the parties shall follow the following schedule and procedure for post-hearing briefs and oral argument:

- |                |   |
|----------------|---|
| April 18, 2012 | Post-Hearing Briefs filed and served by all parties   |
| April 24, 2012 | Reply Briefs filed and served by all parties  |
| April 26, 2012 | Oral argument at 10:00 a.m. CDT in Rm. 413, Capitol Bldg., Pierre, SD, in accordance with the following procedure |
- Oak Tree's initial argument – 30 minutes
  - NWE's initial argument – 30 minutes
  - Staff's argument – 30 minutes
  - NWE's rebuttal – 10 minutes
  - Oak Tree's rebuttal – 10 minutes
  - Commissioner questions and discussion

It is therefore

ORDERED, that the above schedule and procedures for briefing and oral argument shall be followed by the parties.

Dated at Pierre, South Dakota, this 10<sup>th</sup> day of April, 2012.

**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: Tina Douglas

Date: 4-10-12

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson  
CHRIS NELSON, Chairman

Kristie Fiegen  
KRISTIE FIEGEN, Commissioner

Gary Hanson  
GARY HANSON, Commissioner