

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

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

**ORDER DENYING  
MOTIONS *IN LIMINE***

**EL16-021**

On June 23, 2016, Juhl Energy, Inc. (Juhl) filed a Complaint with the South Dakota Public Utilities Commission (Commission) seeking resolution of a dispute with NorthWestern Corporation dba NorthWestern Energy (NorthWestern) regarding the proper avoided cost for a long-term electric power purchase agreement. On June 30, 2016, the Commission electronically transmitted notice of the Complaint and the intervention deadline of July 25, 2016, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On July 19, 2017, NorthWestern filed an Answer to Juhl Energy's Complaint.

On August 4, 2016, the parties filed a Joint Request for a Procedural Schedule. On August 19, 2016, the Commission issued an Order establishing a Procedural Schedule. On February 1, 2017, Consolidated Edison Development, Inc. filed a Notice of Appearance and Motion to Amend Complaint based on Consolidated Edison Development, Inc.'s acquisition of Juhl Energy Inc.'s interest in the three wind energy projects that are the subject of this docket. At its regularly scheduled meeting on February 10, 2017, the Commission granted Consolidated Edison Development's motion to amend its complaint and issued an Order Granting Motion to Amend Complaint on February 15, 2017. On February 21, 2017, Consolidated Edison Development filed a motion *In Limine* to exclude the rebuttal testimony of Autumn Mueller and Luke P. Hansen. On February 27, 2017, Consolidated Edison Development filed motions *In Limine* to prohibit PUC Staff from offering portions of the pre-filed testimony of Ms. Maini and Mr. Thurber and to prohibit NorthWestern from offering portions of the pre-filed testimony of Mr. LaFave.

The Commission has jurisdiction over this matter pursuant to the Public Utility Regulatory Policy Act of 1978, 16 U.S.C. § 824a-n, and SDCL Chapters 1-26, 49-13, and 49-34A.

The Commission considered the Motions *In Limine* at its regularly scheduled meeting on March 14, 2017. The Commission voted unanimously to deny the Motions *In Limine*.

It is therefore

**ORDERED**, that Consolidated Edison Development's Motions *In Limine* are hereby denied.

Dated at Pierre, South Dakota, this 21<sup>st</sup> day of March, 2017.

<b>CERTIFICATE OF SERVICE</b>
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, electronically or by mail.
By: <u>Adam DeHeck</u>
Date: <u>3/21/17</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner