

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

IN THE MATTER OF THE PETITION FOR)
ELECTRICAL SERVICE BY DAKOTA PLAINS AG)
CENTER, LLC TO HAVE NORTHWESTERN)
ENERGY ASSIGNED AS ITS ELECTRIC PROVIDER)
IN THE SERVICE AREA OF BON HOMME)
YANKTON ELECTRIC ASSOCIATION, INC.)

**ORDER GRANTING MOTION
TO COMPEL**

EL16-013

On April 1, 2016, the South Dakota Public Utilities Commission (Commission) received a petition from Dakota Plains Ag Center, LLC (Dakota Plains) for a service territory exception pursuant to SDCL 49-34A-56. Dakota Plains states it is constructing and will operate a grain terminal at a site near Yankton, South Dakota. The new grain terminal will be at a site located in the following tract of land in Yankton County, South Dakota:

Lot One (1), Dakota Rail Park Subdivision, located in Section Twenty-one (21), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th P.M., Yankton County, South Dakota as per plat recorded in book S20, Page 132.

Dakota Plains further states it would be a new customer, seeking electrical service to a new location, which has developed since March 21, 1975. Such location overlaps the territorial boundaries of both NorthWestern Corporation d/b/a NorthWestern Energy (NorthWestern) and Bon Homme Yankton Electric Association, Inc. (B-Y Electric). Dakota Plains requests authorization to take electric service from NorthWestern. Intervention has been granted to NorthWestern, B-Y Electric, and South Dakota Rural Electric Association (SDREA).

On May 20, 2016, the Commission issued an Order Establishing Procedural Schedule. On May 31, 2016, B-Y Electric filed a Motion to Compel (Motion) seeking an order from the Commission requiring Dakota Plains to produce certain information and answer certain interrogatories. On June 3, 2016, Dakota Plains filed its Objection to B-Y Electric's Motion to Compel.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 15-6, 49-34A, and ARSD 20:10:01:22.01.

At its regularly scheduled meeting on June 7, 2016, the Commission considered the Motion, the briefs submitted, and the arguments presented at the meeting. Finding the information request was within the bounds of discovery, the Commission voted unanimously to grant the Motion to Compel. It is therefore

ORDERED, that B-Y Electric's Motion to Compel is hereby granted.

Dated at Pierre, South Dakota, this 10th day of June, 2016.

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, electronically or by mail.
By: <u>Karen E. Cremer</u>
Date: <u>June 10, 2016</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner