

**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 DENYING MOTION TO QUASH SUBPOENA DUCES TECUM EL16-013
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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 the South Dakota Rural Electric Association (SDREA).

On May 20, 2016, the Commission issued an Order Establishing Procedural Schedule. On May 27, 2016, Dakota Plains filed a Motion to Quash Subpoena Duces Tecum (Motion) seeking an order from the Commission quashing the Subpoena Duces Tecum served upon Southeastern Electric Cooperative, Inc. by B-Y Electric for information regarding an existing Dakota Plains facility. On June 3, 2016, B-Y Electric filed its Resistance to Dakota Plain's Motion to Quash and SDREA filed its Resistance to Motion in Limine and Motion to Quash.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 15-6, 49-34A, and ARSD 20:10:01:17 and 20:10:01:17.01.

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 sought by the Subpoena Duces Tecum was within the bounds of discovery, the Commission voted unanimously to deny the Motion to Quash Subpoena Duces Tecum. It is therefore

ORDERED, that Dakota Plains' Motion to Quash Subpoena Duces Tecum is hereby denied.

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: Karen E. Cremer

Date: June 10, 2016

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner