

**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 ESTABLISHING  
PROCEDURAL SCHEDULE**

**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 5<sup>th</sup> 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 9, 2016, Commission Staff filed its Recommendation for Procedural Schedule.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-34A, specifically 49-34A-56, and ARSD 20:10:01:15.02 through 20:10:01:15.05.

At its regularly scheduled meeting on May 10, 2016, the Commission considered setting a procedural schedule. During its discussion with the parties, B-Y Electric and SDREA stated their objections to parts of the proposed procedural schedule. The Commission unanimously voted to establish the following procedural schedule, with the understanding that the post-hearing brief date is contingent upon the Commission later ordering post-hearing briefs:

Answers to Discovery	14 calendar days after service
Witness Lists	May 20, 2016
Pre-hearing Conference	May 23, 2016
Final date to request depositions	May 31, 2016
Final service of Discovery	June 3, 2016
Pre-Hearing Motions	Heard during regularly scheduled June 7 meeting
Exhibit Lists	Five business days prior to hearing
Evidentiary Hearing	June 20, 2016
Post-Hearing Briefs	10 days after evidentiary hearing

It is therefore

ORDERED, that the above procedural schedule is established for this proceeding.

Dated at Pierre, South Dakota, this 20<sup>th</sup> day of May, 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: Rolayne Wiest

Date: 5-20-16

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson  
CHRIS NELSON, Chairman

Kristie Fiegen  
KRISTIE FIEGEN, Commissioner

Gary Hanson  
GARY HANSON, Commissioner