

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

IN THE MATTER OF THE APPLICATION BY )	
OTTER TAIL POWER COMPANY ON BEHALF )	THIRD SCHEDULING AND
OF BIG STONE II CO-OWNERS FOR AN )	PROCEDURAL ORDER
ENERGY CONVERSION FACILITY PERMIT )	
FOR THE CONSTRUCTION OF THE BIG )	EL05-022
STONE II PROJECT )	

On January 18, 2006, the Commission issued its Scheduling and Procedural Order. On March 31, 2006, Commission issued its Second Scheduling and Procedural Order, canceling the original procedural schedule, establishing a revised procedural schedule and making certain additional procedural rulings. The procedural history preceding these orders is set forth in these orders. On May 8, 2006, Minnesota Center for Environmental Advocacy (MCEA) on its own behalf and on behalf of its co-intervenors, Minnesotans for an Energy-Efficient Economy, Izaak Walton League of America - Midwest Office, and the Union of Concerned Scientists, filed a Motion to Compel Discovery and to Extend Deadline for Intervenor Testimony (Motion). On May 12, 2006, Applicants and MCEA filed a Joint Motion and Stipulation to Amend Second Scheduling and Procedural Order (Stipulation), in which MCEA agreed to withdraw its Motion to Compel, Applicants agreed to respond to MCEA's discovery request IR 17, and Applicants and MCEA agreed to certain modifications of the procedural schedule in the Second Scheduling and Procedural Order to provide additional time for the filing of certain MCEA testimony responsive to the information provided by Applicants' response to IR 17. In this order, the Commission modifies the procedural schedule set forth in the Second Scheduling and Procedural Order to conform to the Stipulation. Other than the specific modifications to the procedural schedule itself contained herein, all other procedural rulings in the original Scheduling and Procedural Order as modified by the Second Scheduling and Procedural Order shall remain in effect. The Commission will formally consider approval of the Joint Motion and Stipulation to Amend Second Scheduling and Procedural Order at its May 23 Commission Meeting, and the parties may address any remaining scheduling or other issues related to the Motion and Stipulation at such time.

Due to a scheduling conflict with another matter, the Commission is also moving the time that had been set for Pre-Hearing Motions on June 13, 2006, in Sioux Falls from 10:30 a.m. to the later of 2:30 p.m. CDT or immediately following the Commission Meeting commencing at 1:30 p.m.

**Procedural Schedule (all dates 2006)**

March 15	Applicants' Direct Testimony (completed)
May 19	Intervenors' and Staff's Direct Testimony, except for MCEA's Direct Testimony of David Schlissel and/or Anna Sommer of

Synapse Energy responsive to Applicants' response to MCEA's discovery request IR 17

May 26	MCEA's Direct Testimony of David Schlissel and/or Anna Sommer of Synapse Energy pertaining to information provided by Applicants' in response to MCEA's discovery request IR 17
June 6	Discovery Motions Hearing (if needed) Rm. 412, Capitol Bldg, Pierre, SD 10:00 a.m. (telephonic participation permitted)
June 9	All Parties' Rebuttal, except with respect to Applicants' June 16 testimony
June 13	Pre-Hearing Motions Hearing (if needed) - USDSU Building, Rm. 282, 2205 Career Place, Sioux Falls, SD - later of 2:30 p.m. or immediately following Commission meeting (telephonic participation permitted)
June 16	Applicants' Testimony Responsive to the Schlissel / Sommer testimony filed and served on May 26
June 19	All Parties' Surrebuttal, except with respect to Applicants' June 16 testimony
June 21	Pre-Hearing Conference, PUC Cactus Conference Room, 1 <sup>st</sup> Floor, Capitol Bldg, Pierre, SD 10:00 a.m. (telephonic participation permitted)
June 22	All parties' rebuttal/surrebuttal testimony responsive to Applicants' June 16 testimony filed and served by 12:00 noon.
June 26-30	Hearing, Rm. 412, Capitol Bldg, Pierre, SD 9:30 a.m. first day, 8:30 a.m. subsequent days
July 9	All Parties' Briefs and Proposed Findings of Fact, Conclusions of Law and Order
July 11	Oral Argument, Rm. 412, Capitol Bldg, Pierre, SD, the later of 10:30 a.m. or immediately following the Commission meeting (telephonic participation permitted)
July 14	Commission Action, Rm. 412, Capitol Bldg, Pierre, SD 10:30 a.m. (telephonic participation permitted)

July 21

Findings of Fact, Conclusions of Law and Final Decision and  
Order issued

The parties shall file and serve any documents referenced in the above schedule on or before 5:00 p.m. CDT on the date for such filing, except for the June 22 rebuttal/surrebuttal testimony which shall be filed and served by 12:00 noon and subject to the prior ruling on paper service of the July 9 briefs, etc.

It is therefore

ORDERED, that the above procedural schedule and procedural rulings shall be adopted for purposes of this case and shall be complied with by the parties.

Dated at Pierre, South Dakota, this 19th day of May, 2006.

<p align="center"><b>CERTIFICATE OF SERVICE</b></p> <p>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.</p> <p>By: <u><i>Neilson Kelso</i></u></p> <p>Date: <u><i>5/19/06</i></u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE COMMISSION:

*Robert K. Sahr*  
ROBERT K. SAHR, Chairman *dk*

*Dustin M. Johnson*  
DUSTIN M. JOHNSON, Commissioner *dk*

*Gary Hanson*  
GARY HANSON, Commissioner *dk*