

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

*Applicants*  
**EXHIBIT NO. 56**  
**C. BACHAND**

<b>IN THE MATTER OF THE APPLICATION BY )</b>	<b>NOTICE OF APPLICATION;</b>
<b>OTTER TAIL POWER COMPANY ON BEHALF )</b>	<b>ORDER FOR AND NOTICE</b>
<b>OF BIG STONE II CO-OWNERS FOR AN )</b>	<b>OF PUBLIC INPUT</b>
<b>ENERGY CONVERSION FACILITY PERMIT )</b>	<b>HEARING; NOTICE OF</b>
<b>FOR THE CONSTRUCTION OF THE BIG )</b>	<b>OPPORTUNITY TO APPLY</b>
<b>STONE II PROJECT )</b>	<b>FOR PARTY STATUS</b>
<b>)</b>	<b>EL05-022</b>

On July 21, 2005, Otter Tail Power Company (Otter Tail) on behalf of the Project Co-Owners, Central Minnesota Municipal Power Agency, Great River Energy, Heartland Consumers Power District, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Otter Tail Corporation d/b/a Otter Tail Power Company, Southern Minnesota Municipal Power Agency and Western Minnesota Municipal Power Agency submitted to the Public Utilities Commission (Commission) an application for a permit for an energy conversion facility. The proposed energy conversion facility is a nominal 600 MW coal-fired electric generating facility and associated facilities, which the Project co-owners have named Big Stone II, to be located on an industrial site adjacent to the existing Big Stone Plant Unit I in Grant County, South Dakota. The proposed site is located East of Milbank and Northwest of Big Stone City, in Grant County, South Dakota.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B, specifically 49-41B-1, 49-41B-2, 49-41B-2.1, 49-41B-4, 49-41B-6, 49-41B-7, 49-41B-8, 49-41B-9, 49-41B-10, 49-41B-11, 49-41B-12, 49-41B-13, 49-41B-14, 49-41B-15, 49-41B-16, 49-41B-17, 49-41B-17.1, 49-41B-19, 49-41B-20, 49-41B-21, 49-41B-22, 49-41B-24, 49-41B-26, 49-41B-33, 49-41B-35, 49-41B-36, 49-41B-38, and ARSD Chapter 20:10:22.

The Commission finds that good cause exists to schedule a public input hearing pursuant to SDCL 49-41B-15 and 49-41B-16. The purpose of the hearing is to hear public comment regarding Otter Tail's application. At the public input hearing, interested persons may appear and present their views and comments regarding the application. A copy of the application is on file with the Grant County Auditor pursuant to SDCL 49-41B-15(5). Filing in the docket, including the application, may be accessed on the Commission's website at [www.puc.sd.gov](http://www.puc.sd.gov).

The Commission further finds that pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, the parties to this proceeding are Otter Tail and the Commission. Further, each municipality, county, and governmental agency in the area where the facility is proposed to be sited; any non-profit organization, formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups, or to promote the orderly development of the area in which the facility is to be sited; or any interested person, may be granted party status in this proceeding by making written application to the Commission on or before September 19, 2005. Forms for intervening as a party will be available at the hearing or may be obtained from the Commission.

Otter Tail must show that the proposed energy conversion facility will comply with all applicable laws and rules; that the energy conversion facility will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area; the energy conversion facility will not substantially impair the health, safety or welfare of the inhabitants; and the energy conversion facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of governing

bodies of affected local units of government. The Commission will decide whether the permit should be granted, denied, or granted upon such terms, conditions or modifications of the construction, operation or maintenance as the Commission finds appropriate. It is therefore

ORDERED, that the application by Otter Tail shall be, and the same is, incorporated as if set forth in full herein; and it is

FURTHER ORDERED, that pursuant to SDCL 49-41B-17.1, a party may receive all material filed in this matter by making a specific request to the Commission for personal service of the material. Absent such a specific request, the County Auditor for Grant County is the designated agent for service of process upon all other parties to this proceeding; and it is

FURTHER ORDERED, that the Commission shall hold a public input hearing on Tuesday, September 13, 2005, at 7:00 p.m., at the Lantern Inn, 1010 South Dakota Street, Milbank, South Dakota; and it is

FURTHER ORDERED, pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, that applications for party status be filed within 60 days from the date Otter Tail's application was filed with the Commission. Therefore, an application for party status must be filed with the Commission on or before September 19, 2005.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 18<sup>th</sup> day of August, 2005.

<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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Delaine Kolbo</u>
Date:	<u>8/18/05</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson  
GARY HANSON, Chairman

Robert K. Sahr  
ROBERT K. SAHR, Commissioner

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