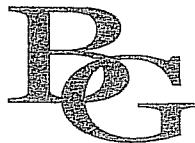


Elle K... 1/9/2



Boyce, Greenfield, Pashby & Welk, LLP

RECEIVED

MAY 22 2006

cwmadsen@bgpw.com

Direct Dial: 605-731-0205

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

May 19, 2006

Attorneys at Law

Via Email to patty.vangerpen@state.sd.us and regular mail

Patty VanGerpen, Ex. Director
SD Public Utilities Commission
500 E Capitol
Pierre SD 57501

101 N. Phillips Ave., Suite 600
Sioux Falls, SD 57104

P.O. Box 5015

Sioux Falls, SD 57117-5015

P: 605-336-2424

F: 605-334-0618

www.bgpw.com

Re: In the Matter of the Application by Otter Tail Power Company on Behalf of Big Stone II Co-Owners for an Energy Conversion Facility Permit for the Construction of Big Stone II Project (EL05-022)
Our File No. 11402.000

Dear Ms. Van Gerpen:

Please find enclosed for filing the Stipulation dated May 18, 2006 between Co-owners and Sierra Club in this matter. The original and four copies are being mailed to you today.

Sincerely yours,

BOYCE, GREENFIELD, PASHBY & WELK, L.L.P.

Christopher W. Madsen
CWM/vjj
Enclosure

Applicant's
EXHIBIT NO. 77
C. BACHAND

cc (via email): John J. Smith
John Davidson
Lesley J. Adam
Michael D. O'Neill
Elizabeth Goodpaster
Casey Davidson
Mary Jo Stueve
Karen Cremer
Bruce Nilles
Patrick Gallagher
George Hays
Sanjay Narayan
Todd Guerrero/David Sasseville
Bruce Gerhardson

- Russell R. Greenfield
- Gary J. Pashby
- Thomas J. Welk
- Michael S. McKnight
- Gregg S. Greenfield
- Roger A. Sudbeck
- Lisa K. Marso
- Heather R. Springer*
- Darin W. Larson
- Michael F. Tobin
- Christopher W. Madsen
- Sherri L. Rotert**
- Charles A. Larson
- Joanne M. Haase+

*Also licensed in Kansas
**Also licensed in Colorado
+Also licensed in Minnesota

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MAY 22 2006

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

In the Matter of the Application by Otter Tail
Power Company on Behalf of Big Stone II Co-
Owners for an Energy Conversion Facility
Permit for the Construction of Big Stone II
Project

EL 05-022

STIPULATION

Applicants, by and through their undersigned attorneys of record, and Intervenor Sierra Club ("Sierra Club") by and through its undersigned attorneys of record agree and stipulate as follows:

1. Pursuant to Sierra Club's First Request for Production dated February 2, 2006, Applicants produced four compact discs containing approximately 5400 pages of documents which comprise a response made by Big Stone I to a request for information from the United States Environmental Protection Agency (hereinafter referred to as "Section 114 Response"). Applicants served their objections to Sierra Club's First Request for Production on March 6, 2006. On March 20, 2006, Applicants served their Response to Sierra Club's First Request for Production, providing the Section 114 Response to the Sierra Club under the terms and conditions of the Amended Confidentiality Agreement dated March 13, 2006.

2. The Sierra Club has requested that any materials within the Section 114 Response marked or deemed "confidential" or "attorney's eyes only" be declassified such that use of the documents will no longer be governed by the Amended Confidentiality Agreement.

3. Applicants have agreed to declassify all documents contained in the Section 114 Response except the following documents with the following designations, which third parties claim must be kept confidential:

- BSPR10-000364 through BSPR10-000824
- BSPR3-000008 through BSPR3-000018
- BSPR3-000091 through BSPR3-000229
- BSPR3-00625 through BSPR3-001051
- BSPR3-001283 through BSPR3-001286
- BPSUP-000046 through BPSUP-000063

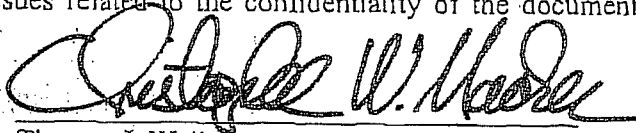
Within two business days of the complete execution of this agreement, the Applicants will contact the third party claiming that the above-reference documents must be kept confidential, ABB Power Generation, Inc./ALSTOM, and ask them to provide a justification, in writing, why these documents should not be declassified. The Applicants will further request that ABB Power

Generation, Inc./ALSTOM provide its response in one week, and will further notify ABB Power Generation, Inc./ALSTOM that Sierra Club will be seeking disclosure of these documents from U.S. E.P.A. through a Freedom of Information Act request.

4. By agreeing to the declassification of the Section 114 Response, including any of the above-referenced documents which a third party agrees to declassify, Applicants do not waive any objections to the use, relevance or admissibility of the Section 114 Response in any proceeding or any other matter before any appropriate governmental agency or court. However, nothing in this paragraph shall be construed to indicate that any of the Section 114 Response documents, other than those identified in paragraph 3, above, are subject to any confidentiality agreement.

5. The Sierra Club agrees that it shall withdraw as a party to this docket and shall not participate further in this docket or in the hearing presently scheduled for June 26 through June 30, 2006 in any manner, including but not limited to, presenting witnesses, cross examining witnesses, appeals or the submission of any written or oral comments, arguments, motions or other such submissions, except the Commission shall retain jurisdiction pursuant to the confidentiality agreement regarding any issues related to the confidentiality of the documents identified in Paragraph 3.


Dated this 18 day of May, 2006.



Thomas J. Welk
Christopher W. Madsen
BOYCE, GREENFIELD, PASHBY & WELK, L.L.P.
P.O. Box 5015
Sioux Falls, SD 57117-5015
(605)336-2424

David L. Sasseville (156000)
Todd J. Guerrero (0238478)
LINQUIST & VENNUM
4200 IDS Center
80 South 8th Street
Minneapolis, MN 55402
(612) 371-3211
Attorneys for Co-owners

Dated this 18th day of May, 2006.



George Hays
236 West Portal Avenue #110
San Francisco, CA 94127

Casey Davidson
Davidson Law Office
524 West Main Street
Vermillion, SD 57069

Attorneys for Sierra Club

Elec. Rec'd 5/19/06



Boyce, Greenfield, Pashby & Welk, LLP

cwmadsen@bgpw.com

Direct Dial: 605-731-0205

May 19, 2006

Attorneys at Law

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

In the Matter of the Application by Otter Tail Power Company on Behalf of Big Stone II Co-Owners for an Energy Conversion Facility Permit for the Construction of Big Stone II Project

EL 05-022

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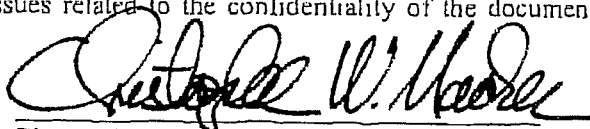
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Dated this 18 day of May, 2006.



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Dated this 18th day of May, 2006.



George Hays
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Casey Davidson
Davidson Law Office
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Vermillion, SD 57069

Attorneys for Sierra Club

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

In the Matter of Otter Tail Power Company
on Behalf of Big Stone II Co-Owners for an
Energy Conversion Facility Permit for the
Construction of the Big Stone II Project


Docket No. EL 05-022

CERTIFICATE OF SERVICE

I, Christopher W. Madsen, do hereby certify that I am a member of the law firm of Boyce, Greenfield, Pashby & Welk, L.L.P., attorneys for the Co-owners of Big Stone II Project and that on the 19th day of May, 2006, true and correct copies of the Stipulation between Co-Owners and Sierra Club were served via email to the following addresses listed on the E-Service List:

John J. Smith	john.j.smith@state.sd.us
John Davidson	john.davidson@usd.edu
Bruce Nilles	bruce.nilles@sierraclub.org
Elizabeth I. Goodpaster	hgoodpaster@mncenter.org
Patrick Gallagher	pat.gallagher@sierraclub.org
Sanjay Narayan	sanjay.narayan@sierraclub.org
Mary Jo. Stueve	mj_stueve@hotmail.com
George Hays	georgehays@mindspring.com
Karen Cremer	karen.cremer@state.sd.us
David Sasseville	dsasseville@lindquist.com
Todd Guerrero	tguerrero@lindquist.com
Bruce Gerhardson	bgerhardson@ottertail.com
Lesley Adam	adam.lesley@johnsonpetersenlaw.com
Michael O'Neill	oneill.michael@johnsonpetersenlaw.com
Casey Davidson	davidsonlaw@mchsi.com

Dated this 19th day of May, 2006.



Christopher W. Madsen
Boyce, Greenfield, Pashby & Welk, L.L.P.
101 N. Phillips Avenue - #600
Sioux Falls, SD 57104
(605) 336-2424
Attorneys for Big Stone II Project