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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

January 11, 2007

Attorneys at Law

Hon. Lori S. Wilbur
Circuit Court Judge
P.O. Box 758
Fort Pierre, SD 57532

101 N. Phillips Ave., Suite 600

Sioux Falls, SD 57104

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
Civil No. 06-399
Our File No. 11402.000

P.O. Box 5015

Sioux Falls, SD 57117-5015

Dear Judge Wilbur:

P: 605-336-2424

Enclosed please find an original signature page for the Appellee's Brief dated January 5, 2007 previously forwarded to the Court and served on counsel. In reviewing this matter, it appears that the incorrect signature page was affixed to the brief when it went out last Friday. The enclosed original signature page is the correct one and I respectfully ask that the Court simply substitute the enclosed signature page for the one originally affixed to the brief. As you will note the purpose of the correction is to clarify that my client, the Big Stone II Co-owners, are requesting oral argument in this matter. At this time I am in the process of coordinating dates with counsel so that we can approach the Court with a group of dates in an effort to schedule the argument at the first convenient time for all the parties.

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If you have any questions or concerns, please let me know. By copy of this correspondence along with copies of the corrected signature page I am advising counsel for the PUC and Appellants of the same and ask that they make the proper substitution of pages as well.

Thank you for your consideration.

Sincerely yours,

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

Christopher W. Madsen

CWM/vjj

Enclosure

cc: John Smith
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Moreover, the economic discussion in the Commission's decision to which Appellants refer did not, in fact, occur immediately following the carbon dioxide environmental impacts discussion. The latter discussion is in section 19 of the Commission's decision (Findings 133-136), the former discussion in sections 22-23 beginning with Finding 144.

Because the Commission did not in some way improperly balance its environmental findings under SDCL 49-41B-22(2) with economic factors, Appellants' argument that the Commission overstated the Project's economic benefits by underestimating the Project's exposure to possible future carbon dioxide regulatory costs, Appellants' Brief at 21-23, is irrelevant. See Appellants' Brief p. 21-23. As set forth above, the Commission properly considered the many factors it was required to examine pursuant to the applicable statutes and rules.

CONCLUSION

Based on the foregoing, Co-owners respectfully request that this Court enter judgment affirming the findings of fact and conclusions of law entered by the South Dakota Public Utilities Commission.

Dated this 5 day of January, 2007.



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REQUEST FOR ORAL ARGUMENT

Appellee Otter Tail Power Company respectfully requests oral argument before this Court.