

AT A REGULAR SESSION of the Public Utilities Commission of the State of South Dakota, held in its offices, in the City of Pierre, the Capital, this 7th day of September, 1977.

PRESENT: Commissioners Ecker, Klinkel and Fischer

IN THE MATTER OF THE DETERMINATION )	
OF ELECTRICAL SUPPLY BY EITHER )	<u>ORDER FOR BRIEFS</u>
NORTHWESTERN PUBLIC SERVICE )	(F-3171)
COMPANY OR NORTHERN ELECTRIC )	
COOPERATIVE TO SAFEGUARD METALS )	
DIVISION, SAFEGUARD AUTOMOTIVE )	
CORPORATION. )	

The commission has received various inquiries by counsel concerning disposition of the above-entitled docket. The Commission has carefully reviewed and examined the various positions of the parties. The Commission finds that the complaints filed by Northwestern Public Service Company should be briefed as a part of this proceeding. The Commission finds that this will result in no prejudice whatsoever to Safeguard Metal Casting Division, Safeguard Automotive Corporation, but rather will enlighten the Commission concerning proper disposition of said complaints.

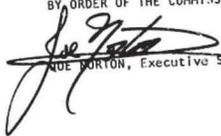
The Commission further finds that it is in the public interest and in the interest of all parties hereto that timely disposition of Safeguard Metal Casting Division's application herein should be made. The Commission finds that the record is complete in this proceeding except for the outstanding request for submission of final plans and specifications of the foundry. Counsel for Safeguard Metal Casting Division has informed this Commission that Safeguard Metal Casting Division has ceased all work on the proposed foundry facility until such time as this Commission renders its decision. Counsel further informs the Commission that there will be no forthcoming final plans or specifications regarding said foundry until after this Commission enters its decision. Northwestern Public Service Company's counsel objects to the failure to supply final specifications and plans and requests that briefing be delayed until such time as those plans and specifications are forthcoming. The Commission has carefully reviewed this matter and finds that the record before it at this time is sufficient to enter a final decision regarding Safeguard Metal Casting Division's application. The Commission further finds that failure to submit final plans and specifications is fully justified and is of no detriment or prejudice to any party hereto. The Commission further finds that a Safeguard Metal Casting Division official shall supply this Commission with an Affidavit confirming the information above set forth. It is therefore

ORDERED, that the Initial Briefs previously ordered by this Commission, be, and the same hereby is, to be mailed on or before the 13th day of September, 1977; and it is

FURTHER ORDERED, that an official of Safeguard Metal Casting Division, Safeguard Automotive Corporation shall file with this Commission an Affidavit confirming the information contained in the letter of counsel dated August 25, 1977, and that Safeguard Metal Casting Division shall serve same upon all parties hereto; and it is

FURTHER ORDERED, that all previous Orders of the Commission entered in the above-entitled proceeding not inconsistent herewith be, and the same hereby are, incorporated as if set forth in full herein.

BY ORDER OF THE COMMISSION:

  
JOE BURTON, Executive Secretary

(OFFICIAL SEAL)