

Elec. Rec'd 12/19/05

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December 19, 2005

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HAND DELIVERED

Heather K. Forney
Deputy Executive Director
South Dakota Public Utilities Commission
State Capitol
500 E. Capitol Avenue
Pierre, SD 57501-5070

RE: MDU; SUPERIOR COMPLAINT
DOCKET EL04-016
OUR FILE 0069

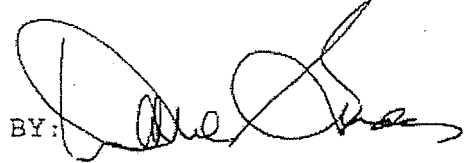
Dear Heather:

Enclosed are the original and 10 copies of a Joint Motion to settle and terminate this docket and of a Settlement Agreement to resolve the complaint and terminate the docket. Please file the enclosures.

With a carbon copy of this letter, I am mailing these documents to the service list. Additionally, because of the time, I am transmitting them electronically.

Yours truly,

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

DAG/jml

Enclosures

cc: Dan Kuntz
Service List

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

IN THE MATTER OF THE FILING BY)	EL04-016
SUPERIOR RENEWABLE ENERGY LLC)	
ET AL AGAINST MONTANA-DAKOTA)	
UTILITIES CO. REGARDING THE)	JOINT
JAVA WIND PROJECT)	MOTION

Joint Motion for Order Accepting Settlement and Terminating
Docket

COME NOW Superior Renewable Energy LLC ("Superior") and Montana-Dakota Utilities Co. ("Montana-Dakota"), by their undersigned counsel of record and move the Commission as follows:

1. To issue an order accepting the Settlement Agreement submitted contemporaneously with this Joint Motion;
2. To terminate the Commission's investigation pursuant to SDCL 49-34A-26 initiated by its order of October 26, 2004; and
3. To close the docket.

This motion is based upon the representation of the parties that, after preparation for hearing, exchange of data and extensive negotiation, they have agreed to a power purchase agreement thus making further proceedings in this matter unnecessary.

WHEREFORE, the parties jointly pray that the Commission accept the Settlement Agreement, terminate the investigation and close the docket.

Dated this 19 day of December, 2005.

MAY, ADAM, GERDES & THOMPSON

BY: 

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CERTIFICATE OF SERVICE

David A. Gerdes of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 19 day of October, 2005, he mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the foregoing in the above-captioned action to the following at their last known addresses, to-wit:

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