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November 15, 2004

Karen Cremer
South Public Utilities Commission
Capitol Building
1st Floor
500 E. Capitol Ave.
Pierre, SD 57501

RECEIVED

NOV 17 2004

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

FAX Received NOV 15 2004

Re: Superior Renewable Energy LLC v. Montana Dakota Utilities Co.

Greetings:

Enclosed please find the original and ten copies of Superior Renewable Energy, LLC's Second Set of Interrogatories, Document Requests, and Request for Admissions; Motion to Shorten Time and Extend Discovery Cut Off; and Memorandum of Points and Authorities.

Sincerely yours,


Mark V. Meierhenry

MM/ai

C: Bradford Moody

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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NOV 17 2004

IN THE MATTER OF THE COMPLAINT FILED)
BY SUPERIOR RENEWABLE ENERGY LLC)
ET AL. AGAINST MONTANA DAKOTA)
UTILITIES CO. REGARDING THE JAVA)
WIND PROJECT)
_____)

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Docket No. EL04-016

FAX Received NOV 15 2004

SUPERIOR RENEWABLE ENERGY LLC'S AND JAVA LLC'S MOTION TO SHORTEN
TIME FOR RESPONSES TO SUPERIOR DISCOVERY REQUESTS AND TO EXTEND
DISCOVERY CUT OFF DATE

Pursuant to Section 20:10:01:22.01 of the South Dakota Public Utility Commission's Administrative Rules, Complainants Superior Renewable Energy LLC and Java LLC (collectively "Superior") move for an order to shorten the time periods to answer interrogatories, document requests and requests for admission otherwise applicable to the discovery requests served upon Respondent Montana-Dakota Utilities Co. ("Montana-Dakota") on or about November 15, 2004. These discovery requests became necessary because of Montana-Dakota's disclosure on November 5, 2004 that: (a) there is no energy or capacity being delivered pursuant to certain power purchase contracts with the Omaha Public Power District previously represented to Superior and the Commission as determinative of avoided capacity costs, (b) there is another power purchase contract that Montana-Dakota entered into with the NorthPoint Energy Solutions, Inc. that Montana-Dakota failed to disclose to Superior and the Commission in any of its interrogatory responses.

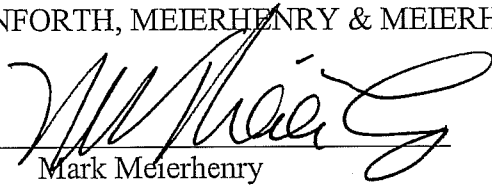
Superior also moves for an order to modify the Commission's Scheduling Order for this proceeding dated October 26, 2004. This modification would extend the discovery off date currently applicable to Superior's discovery from December 6, 2004 to March 7, 2004.

For the reasons set forth in the accompanying Memorandum of Points and Authorities in Support of Superior's Motion to Shorten Time and to Extend the Deadline for Discovery Cutoff filed contemporaneously with this motion, Superior respectfully requests that the Commission grant this motion and direct Montana-Dakota to answer Superior's discovery requests within fifteen (15) days after service of these discovery requests upon Montana-Dakota and further that it amend the October 26, 2004 Scheduling Order to provide that the applicable discovery cut off for Superior be moved to March 7, 2004, or alternatively, to order such other relief as this Commission sees fit to grant.

Respectfully submitted,

DANFORTH, MEIERHENRY & MEIERHENRY, L.L.P.

By:



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Attorneys for Superior Renewable Energy LLC and Java LLC

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

IN THE MATTER OF THE COMPLAINT) FILED BY SUPERIOR RENEWABLE) ENERGY LLC ET AL. AGAINST) MONTANA-DAKOTA UTILITIES CO.) REGARDING THE JAVA WIND) PROJECT))	ORDER GRANTING MOTION TO SHORTEN TIME FOR DISCOVERY RESPONSES AND TO EXTEND DEADLINE FOR DISCOVERY CUT OFF EL04-016
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On motion of Complainants Superior Renewable Energy LLC and Java LLC (collectively "Superior") to shorten time for responses to Superior's discovery requests and to extend discovery cut off date, it is hereby

ORDERED, that Superior's motion is granted. Respondent Montana-Dakota Utilities Co. shall have fifteen (15) days from date of service of Superior's Second Set of Interrogatories, Document Requests and Requests for Admissions to answer each of Superior's requests. It is

FURTHER ORDERED, that the Scheduling Order previously entered and effective for this Proceeding shall be modified to allow Superior to continue taking discovery through the pre-trial conference, currently set for March 7, 2005.

Dated at Pierre, South Dakota, this ___ day of November, 2004.

CERTIFICATE OF SERVICE
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: _____
Date: _____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

ROBERT K. SAHR, Chairman

GARY HANSON, Commissioner

JAMES A. BURG, Commissioner