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JUN 2 2006

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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

*Elec. Rec'd 6/1/06*

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June 1, 2006

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

Via Email to [patty.vangerpen@state.sd.us](mailto:patty.vangerpen@state.sd.us)  
and regular mail

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 Motion to Shorten Time to Respond to Interrogatories and Requests for Production 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

cc (via email): John Davidson

Elizabeth Goodpaster

Mary Jo Stueve

Karen Cremer

Bruce Nilles

Patrick Gallagher

George Hays

Sanjay Narayan

Todd Guerrero/David Sasseville

Bruce Gerhardson

Mark Rolphes

Terry Graumann

JUN 02 2006

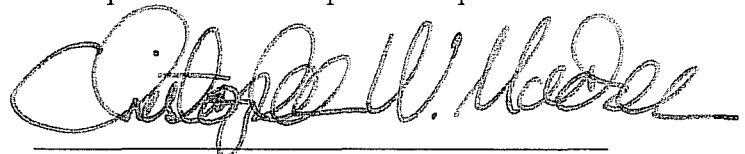
THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTASOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION*Elc. Recd 6/1/06*

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

**MOTION TO SHORTEN TIME TO  
RESPOND TO INTERROGATORIES  
AND REQUESTS FOR PRODUCTION**

Big Stone II Co-owners ("Applicant"), by and through its undersigned attorneys of record, moves the Commission pursuant to SDCL 15-6-33(a), 15-6-34(b) and ARSD 20:10:01:22.01, to enter an order requiring Intervenor Minnesotans for an Energy Efficient Economy, Izaak Walton League of America - Midwest Office, Union of Concerned Scientists, and Minnesota Center for Environmental Advocacy (collectively referred to as "MCEA") to respond to Applicant's Fourth Set of Interrogatories and Requests For Production dated May 23, 2006 ("Fourth Set") in less than the thirty days allowed by statute. On May 23, 2006, Applicant served the Fourth Set on counsel for Intervenor MCEA. A copy of the Fourth Set is attached as Exhibit A. The Fourth Set is calculated to obtain documents supporting various statements and opinions set forth in direct testimony served by Intervenor MCEA on May 19, 2006. The hearing in this docket is scheduled to begin on Monday, June 26, 2006 and pursuant to the procedural and scheduling orders entered by the Commission, rebuttal testimony is to be filed and served between the date of this motion and the beginning of the final hearing. In order to understand and investigate the assertions made by Intervenor MCEA's witnesses and prepare rebuttal testimony, Applicant requires answers to the interrogatories and responses to the requests for production of the Fourth Set no later than June 13, 2006.

Dated this 1<sup>st</sup> day of June, 2006

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Attorneys for Co-owners

### 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 1st day of June, 2006, true and correct copies of the Motion to Shorten Time to Respond to Interrogatories and Requests for Production were served via electronic mail on the following at their last known addresses:

John H. Davidson	<u><a href="mailto:john.davidso@usd.edu">john.davidso@usd.edu</a></u>
Elizabeth I. Goodpaster	<u><a href="mailto:bgoodpaster@mncenter.org">bgoodpaster@mncenter.org</a></u>
Mary Jo. Stueve	<u><a href="mailto:mj_stueve@hotmail.com">mj_stueve@hotmail.com</a></u>
Karen Cremer	<u><a href="mailto:Karen.cremer@state.sd.us">Karen.cremer@state.sd.us</a></u>
Casey Davidson	<u><a href="mailto:davidsonlaw@mchsi.com">davidsonlaw@mchsi.com</a></u>
Lesley Adam	<u><a href="mailto:adam.lesley@johnsonpetersenlaw.com">adam.lesley@johnsonpetersenlaw.com</a></u>
Michael O'Neill	<u><a href="mailto:oneill.michael@johnsonpetersenlaw.com">oneill.michael@johnsonpetersenlaw.com</a></u>
Pat Gallagher	<u><a href="mailto:pat.gallagher@sierraclub.org">pat.gallagher@sierraclub.org</a></u>
Bruce Nilles	<u><a href="mailto:bruce.nilles@sierraclub.org">bruce.nilles@sierraclub.org</a></u>
George Hays	<u><a href="mailto:georgehays@mindspring.com">georgehays@mindspring.com</a></u>
Sanjay Narayan	<u><a href="mailto:sanjay.narayan@sierraclub.com">sanjay.narayan@sierraclub.com</a></u>



Christopher W. Madsen

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

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DOCKET NO. EL05-022

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

**FOURTH SET OF INTERROGATORIES  
AND REQUEST FOR PRODUCTION OF  
DOCUMENTS ON BEHALF OF  
BIG STONE II CO-OWNERS  
TO INTERVENORS**

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TO: MINNESOTANS FOR AN ENERGY-EFFICIENT ECONOMY, IZAAK WALTON LEAGUE OF AMERICA – MIDWEST OFFICE, UNION OF CONCERNED SCIENTISTS, AND MINNESOTA CENTER FOR ENVIRONMENTAL ADVOCACY AND THEIR ATTORNEYS JOHN H. DAVIDSON, 213 USD LAW BUILDING, 414 E. CLARK STREET, VERMILLION SD 57069 AND ELIZABETH J. GOODPASTER, MINNESOTA CENTER FOR ENVIRONMENTAL ADVOCACY, 26 E. EXCHANGE ST., SUITE 206, ST. PAUL, MN 55101

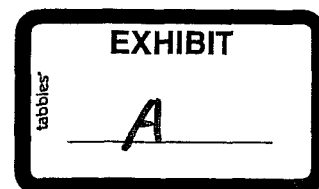
**PLEASE TAKE NOTICE:** Pursuant to SDCL 15-6-33, 15-6-34, 15-6-36 and ARSD 20:10:01:22.01, Applicant Big Stone II Co-owners (“Applicant”), propounds the following written interrogatories and requests for production to the above-named Intervenors. Responses should be based upon all the knowledge reasonably available to the intervenors, their directors, employees, attorneys, agents, investigators, affiliated individuals, subdivisions, related organizations, and all others acting on their behalf.

The requests contained herein are directed to you and to persons or organizations having control of responsive documents under contract or other forms of agreement with you.

In these interrogatories and document requests to you, the following definitions and instructions apply.

**DEFINITIONS AND INSTRUCTIONS**

1. **“Communication”** The term “communication,” and its various forms, means the transmittal of information (in the form of facts, ideas, inquiries or otherwise) in any manner,



including but not limited to letters, e-mails, text messages, memoranda, faxes, telephone calls, non-verbal communications, and in-person conversations.

2. **“Document”** The term “document” means the original and any non-identical copy (whether different from the original by reason of notations, or otherwise) of any written, printed, typed, recorded, graphic or photographic matter, sound reproduction, tape, records or other device, however produced or reproduced, including drafts and supporting statements. “Document” includes but is not limited to agreements, memoranda, records, letters, correspondence, e-mail messages, information posted on your websites within the last three (3) years, communications, diaries, diary entries, reports, manuals, brochures, schedules, books, newspapers, magazine articles, applications, contracts, postcards, cables, telegrams, telephone logs, telephone toll records, teletypes, notes, handwritten notes, invoices, orders, price lists, check lists, drafts, circulars, notices, instructions, pamphlets, statements, minutes, meeting agendas, tests, studies, experiments, telephone reports, notepads, desk calendars, graphs, charts, data sheets, processing cards, printouts, tape recordings, magnetic recording media, computer printouts and any data compilations, or any other physical object. “Document” also means identical copies of unavailable original documents and of unavailable, non-identical copies. A draft or non-identical copy is a separate document within the meaning of this term.

3. **“Identify” (With Respect to Persons)** When referring to a person, “identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

4. **“Identify” (With Respect to Documents)** When referring to documents, “identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s).

5. **“Identify” (With Respect to Transactions or Events)** When referring to transactions or events, “identify” means to give, to the extent known, the (i) date of the event; (ii) general subject matter; (iii) individuals involved; (iv) purpose of the event; and (v) such other related facts sufficient to describe the outcome.

6. **“Person”** The term “person” is defined as any natural person or entity, including but not limited to a business, legal or governmental entity or association.

7. **“Concerning”** The term “concerning” means relating to, referring to, describing, regarding, evidencing, or constituting.

8. **“All” and “Each”** The term “all” and “each” shall be interpreted interchangeably so as to bring within the scope of these discovery requests any relevant information which might otherwise be construed to be outside their scope.

9. **“And” and “Or”** The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery requests all responses that might otherwise be construed to be outside of their scope.

10. **“You” and “Your”** The terms “you” or “your” shall be construed to mean the Intervenor’s witness individually and/or collectively, their attorneys, employees, agents, representatives, consultants, predecessors and successors in interest, and anyone acting, or who has acted, in any way on their behalf.

11. **“Big Stone II Co-Owners”** The term “Big Stone II Co-Owners” shall mean Central Minnesota Municipal Power Agency; Great River Energy; Heartland Consumers Power

District; Missouri River Energy Services; Montana Dakota Utilities Co., a Division of MDU Resources Group, Inc.; Otter Tail Corporation d/b/a Otter Tail Power Company; Southern Minnesota Municipal Power Agency; and Western Minnesota Municipal Power Agency.

12. **“Application”** The term application shall mean the Energy Conversion Facility Permit for Construction of the Big Stone II Project filed with the South Dakota Public Utilities Commission on July 21, 2005 on behalf of the Big Stone II Co-Owners.

13. **“Affected Area”** The term affected area shall mean that area located within a ten (10) mile radius from and including the proposed location of the Big Stone II plant.

14. **“Intervenor”** The term intervenor shall mean Minnesotans for an Energy-Efficient Economy, Izaak Walton League of America – Midwest Office, Union of Concerned Scientists, and Minnesota Center for Environmental Advocacy, individually and/or collectively, their attorneys, their employees, agents, representatives, consultants, predecessors and successors in interest, and anyone acting, or who has acted, in any way on their behalf.

15. **“Singular and Plural”** The use of the singular form of any word includes the plural and vice versa as necessary to bring within the scope of the discovery requests all responses that might otherwise be construed to be outside of their scope.

16. **“Knowledge”** includes first-hand knowledge and information derived from any other source.

17. **“Permit”** shall refer to the energy conversion facility permit described and authorized by SDCL Ch. 49-41B, the application for which is the subject of the proceedings in Docket EL 05-022.

18. **“Final Hearing”** shall refer to the hearing on the Application presently scheduled to begin on June 26, 2006.

19. **Partial Responses.** If providing a partial response to any discovery request, please state so and identify to which part or parts of the interrogatory no response is being given.

### **INTERROGATORIES & REQUEST FOR DOCUMENTS**

*Interrogatories Nos. 1-11 and Request for Documents Nos. 1-12 are directed to the Prefiled Direct Testimony of David A. Schlissel and Anna Sommer of Synapse Economics Inc.*

INTERROGATORY NO. 1: Describe all instances in which David A. Schlissel (“Schlissel”) or Anna Sommer (“Sommer”) have provided a forecast of carbon dioxide allowance prices. For each such instance, describe the forecast and related information provided and the action, if any, taken by the entity to which the forecast was given. Identify all documents reflecting such forecast and the action, if any, taken in response to the advice and/or recommendation.

INTERROGATORY NO. 2: Describe all instances in which Synapse (other than as included in previous response) has provided a forecast of carbon dioxide allowance prices. For each such instance, describe the forecast and related information provided and the action, if any, taken by the entity to which the forecast was given. Identify all documents reflecting such forecast and the action, if any, taken in response to the advice and/or recommendation.

INTERROGATORY NO. 3: Describe all instances in which Schlissel or Sommer has advised regulators to adopt monetary values reflecting either the risk of future greenhouse gas regulation or the environmental damage costs of greenhouse gas emissions (or both). For each such instance, describe the advice given and the action, if any, taken by the entity to which the advice and/or recommendation was given. Identify all documents reflecting such advice and the action, if any, taken in response to the advice and/or recommendation.

INTERROGATORY NO. 4: Describe all instances in which Schlissel or Sommer has offered advice/recommendation to clients, regulators or other persons regarding the prospects for adoption of federal or state legislation of any kind. For each such instance, describe the advice/recommendation given and the action, if any, taken by the entity to which the advice was given. Identify all documents reflecting such advice/recommendation and the action, if any, taken in response to the advice.

INTERROGATORY NO. 5: Specify all documents and other information on which Schlissel or Sommer relied in developing the conclusion set forth in Item No. 7 on page 4 of the testimony.

INTERROGATORY NO. 6: With respect to the Report entitled “Climate Change and Power: Carbon Dioxide Emissions Costs and Electricity Resource Planning,”

a. Was the report prepared under the overall supervision of either Schlissel or Sommer? If not, under whose supervision was the report prepared?



b. State the contribution made to the report by each of the eight co-authors listed on the cover page. Specify the work performed by either Schlissel of Sommer in supervising or reviewing the work of the other co-authors.

c. State the qualifications of the other co-authors as to the contributions they made to the report.

d. Provide all drafts and prior versions of the report.

e. Has the report or like materials been submitted to other regulatory bodies? If so, provide a copy.

f. Page i states “Analyses by the US Energy Information Administration indicate that 60% to 90% of all domestic greenhouse gas emission reductions are likely to come from the electric sector under a wide range of economy-wide federal policy scenarios.” Provide a copy of the “analyses” referred to.

g. Page 13 refers to S.2028 introduced in the Senate on February 10, 2005. Was this bill voted on, and if so, how many votes in favor did it receive?

INTERROGATORY NO. 7: With respect to section 6.5 of the Report entitled “Climate Change and Power: Carbon Dioxide Emissions Costs and Electricity Resource Planning,”

a. Provide all workpapers or other documents relied on in making the “Synapse forecast of carbon dioxide allowance prices.”

b. For Table 6.4, specify the emission reduction targets assumed for each of the years covered by the table.

c. For Table 6.4, specify the discount rate used to levelize the carbon dioxide allowance prices.

INTERROGATORY NO. 8: Do the carbon emission prices you advocate the S.D. PUC should use in evaluating Big Stone Unit II (up to \$30.50 per ton of CO<sub>2</sub>) factor in the external benefits of reliability that dispatchable coal-fired baseload resources provide? If so, identify the assumptions relied on?

INTERROGATORY NO. 9: Is it your position that regulatory agencies and state and federal lawmakers should declare a moratorium on the construction of all new coal-fired power plants? If so, identify all analyses, work papers, studies, and other data that supports your conclusion that the electric utility industry in the U.S. will be able to meet future demand for power and energy without new building any new coal-fired power plants.

INTERROGATORY NO. 10: What are the obstacles to Congress enacting GHG/Carbon regulation of the sort discussed in your testimony? When will these obstacles be overcome?

INTERROGATORY NO. 11: What facts do you rely on in assuring the S.D. PUC that the scientific, political and economic factors that have contributed to Congress's reluctance to enact carbon regulation will be overcome and carbon regulation enacted by 2011, 2015, 2020 or 2030?

REQUEST NO. 1: Please provide copies of all testimony, studies, analyses or other documents prepared by either witness regarding the possibility that the United States, or any state or regional body in the United States, will adopt regulations of greenhouse gas emissions.

REQUEST NO. 2: Please provide copies of all testimony, studies, analyses or other documents prepared by Synapse (other than as included in previous response) regarding the possibility that the United States, or any state or regional body in the United States, will adopt regulations of greenhouse gas emissions.

REQUEST NO. 3: Please provide copies of all testimony, studies, analyses or other documents prepared by either witness regarding the cost of complying with possible future greenhouse gas emission regulation in the United States.

REQUEST NO. 4: Please provide copies of all testimony, studies, analyses or other documents prepared by Synapse (other than as included in previous response) regarding the cost of complying with possible future greenhouse gas emission regulation in the United States.

REQUEST NO. 5: Please provide copies of all testimony, studies, analyses or other documents prepared by either witness providing a forecast of future natural gas prices in the United States.

REQUEST NO. 6: Please provide copies of all testimony, studies, analyses or other documents prepared by Synapse (other than as included in previous response) providing a forecast of future natural gas prices in the United States.

REQUEST NO. 7: With respect to the Schlissel/Sommer Testimony, p. 4, lines 3-4, which states that "Big Stone Unit II would emit significant amounts of additional carbon dioxide." For the year 2011, specify the percentage of total global anthropogenic carbon dioxide emissions that Big Stone Unit II's carbon dioxide emissions will represent. For the year 2011, specify the percentage of total global anthropogenic greenhouse gas emissions (expressed as carbon dioxide equivalent) that Big Stone Unit II's carbon dioxide emissions will represent. Provide your calculations in response to both questions.

REQUEST NO. 8: With respect to the Schlissel/Sommer Testimony, p. 4, item 9. Provide all workpapers and other information relied on in developing these numbers.

REQUEST NO. 9: With respect to the Schlissel/Sommer Testimony, p. 14. Provide all source documents relied on for Table 1.

REQUEST NO. 10: With respect to the Schlissel/Sommer Testimony, p. 15. Provide all source documents relied on for Table 2.

REQUEST NO. 11: With respect to the Schlissel/Sommer Testimony, p. 7, lines 3-12 and Exhibit JI-1-C, provide all workpapers and other supporting information relative to the calculations provided.

REQUEST NO. 12: All documents identified or referred to in response to Interrogatories Nos. 1 to 17.

*Interrogatories Nos. 12-18 and Request for Documents No. 13 are directed to the Prefiled Direct Testimony of Marshall R. Goldberg of MRG & Associates, Inc.*

INTERROGATORY NO. 12: How much of the 1,320 MW of wind generation resources discussed in your testimony is dispatchable?

INTERROGATORY NO. 13: What portion of the 1,320 MW would MAPP accredit for load and capability purposes?

INTERROGATORY NO. 14: Testimony, page 3, beginning at line 3. Mr. Goldberg discusses the economic benefits to the state of South Dakota of 1,320 MW of wind power. Is it Mr. Goldberg' position that the Applicants should propose a 1,320 MW wind farm in the state of South Dakota as an alternative to the proposed Big Stone Unit II?

INTERROGATORY NO. 15: Is it Mr. Goldberg's contention that the 1,320 MW wind power in South Dakota is a least cost alternative to the proposed Big Stone Unit II? If so, provide all supporting studies, reports, and analysis that supports such contention, including any and all transmission studies which support or are related to a 1,320 wind farm located in South Dakota and located "in more than one county."

INTERROGATORY NO. 16: Testimony, page 10, line 2, Mr. Goldberg states that "[I]f the State of South Dakota decided to build 1,320 MW of wind power . . ." it would stimulate the wind manufacturing industry in South Dakota.

With respect to this statement, please clarify:

(1) Whether he is proposing that the *State of South Dakota* should build, own, or operate 1,320 MW of wind power.

(2) If his position is that the State of South Dakota either need not or should not build, own, or operate the 1,320 MW of wind power, please clarify the statement.

INTERROGATORY NO. 17: Does the NREL JEDI model referenced in your testimony compare the cost of electricity from wind power versus other types of generation resources in

determining overall economic impact to the state? If yes, is the cost of electricity a direct, indirect or induced effect in the NREL model?

INTERROGATORY NO. 18: Where are the economic impacts, if any, of the backup fossil fuel generation needed to supplement the 1,320 MW of windpower which would provide the equivalent amount of electrical generation as 600 megawatt coal-fired power plant?

REQUEST NO. 13: All documents identified in response to Interrogatories Nos. 12 to 18.

*Interrogatories Nos. 19 - 29 and Request for Documents No. 14 are directed to the prefiled Direct Testimony of Ezra D. Hausman.*

INTERROGATORY NO. 19: Testimony, p. 2, lines 21-24. Describe all work the witness has performed in a professional capacity since 1998 in which he "focused on electricity market issues, turning my numerical and analytical skills to issues of ... environmental regulations in the electric industry." Provide copies of all testimony, studies, reports, publications, or other documents produced by the witness that reflect such work.

INTERROGATORY NO. 20: Testimony, p. 2, lines 24-30, regarding the witness' statement that, since joining Synapse, he has had more of a "focus on environmental ... aspects of the industry," giving him "an opportunity to apply my combined expertise, in atmospheric science and in the electric industry, to some of the most important issues facing the industry and, indeed, our society." Provide copies of all testimony, studies, reports, publications, or other documents produced by the witness that reflect such work.

INTERROGATORY NO. 21: Was the witness a lead author or contributing author to any of the assessments produced by the Intergovernmental Panel on Climate Change?

INTERROGATORY NO. 22: Was the witness an author or contributor to the "Joint Science Academies Statement" referred to on page 9 of his testimony?

INTERROGATORY NO. 23: Was the witness an author or contributor to the NAS study referred to on page 10 of his testimony.

INTERROGATORY NO. 24: Provide a copy of the Union of Concerned Scientists study referred to on page 20 of his testimony. Was this study published in a peer-reviewed journal?

INTERROGATORY NO. 26: What is the total amount (in millions of tons) of anthropogenic carbon dioxide emissions in the world today? Provide all sources relied on for your answer.

INTERROGATORY NO. 27: What is the total amount (in millions of tons) of natural and anthropogenic carbon dioxide emissions in the world today? Provide all sources relied on for your answer.

INTERROGATORY NO. 28: What is the total amount (in millions of tons) of anthropogenic greenhouse gas emissions in the world today, expressed in terms of carbon dioxide equivalent? Provide all sources relied on for your answer.

INTERROGATORY NO. 29: What is the total amount (in millions of tons) of anthropogenic emissions of carbon dioxide produced by China today? By India? By Brazil? For each of these countries, indicate what the amount of their anthropogenic carbon dioxide emissions are expected to be in 2010, 2020 and 2030 under a business as usual scenario. Provide all sources relied on for your answer.

REQUEST NO. 14: All documents identified in response to Interrogatories Nos. 19 to 29.

DATED: May 23, 2006

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

By: 

Thomas J. Welk

Christopher W. Madsen

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OWNERS**