

**Individual Report for Docket Number : EL16-013**

**Docket Title:**

In the Matter of the Petition for Electrical Service by Dakota Plains Ag Center, LLC to have NorthWestern Energy Assigned as its Electric Provider in the Service Area of Bon Homme – Yankton Electric Cooperative Inc.

**Open Date :** 04/01/2016

**Close Date :** 08/11/2016

**Days Open :** 132

**Reopened Date :**

**Filing Type :**

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**Tax ID # :**

**Attorney :**

KE

**Staff :**

PS; EP

**Date Of Final Decision :**

08/02/2016

**Memo :**

08/02/16; 06/07/16; 05/10/16; 04/27/16; 04/11/16 - Commission Meetings

**Primary Appeal Information**

**Appeal Date :**

**Appellant :**

**Decision Date :**

**Appeal Location :**

**Current Status :**

**Description of Above Decision :**

**Secondary Appeal Information**

**Appeal Date :**

**Appellant :**

**Decision Date :**

**Appeal Location :**

**Current Status :**

**Description of Above Decision :**

## Individual Report for Docket Number : EL16-013

### Docket Notes :

04/01/16 - Filed and Docketed - M:/puc/web/internet/commission/dockets/electric/2016/el16-013/file name.pdf  
04/01/16 - Dakota Plains Ag Center, LLC's Letter regarding Assigned Electric Provider - M:/ltr040116  
04/01/16 - Petition for Electrical Service - M:/petition.pdf  
04/01/16 - Exhibit A - Map - M:/map.pdf  
04/01/16 - Notice of Appearance and Request for Documents - M:/noa.pdf  
04/08/16 - NorthWestern Energy's Letter regarding Petition to Intervene - M:/ltr040816.pdf  
04/08/16 - Petition to Intervene - M:/interventionnw.pdf  
04/08/16 - Petition to Intervene by Bon Homme-Yankton Electric Association, Inc. - M:/interventionbh.pdf  
04/18/16 - NorthWestern Energy's Responses to Staff's Data Request 1 - M:/dr1.pdf  
04/18/16 - Attachment Data Request 1-1 - Dakota Plains Distribution and Transformer Layout - M:/dr1-1.pdf  
04/18/16 - Attachment Data Request 1-2 - Dakota Plain Work Plan Confidential (not available to the public) - N:/Internet/hp/2014/HP14-002/dr1-2.pdf  
04/18/16 - Attachment Data Request 1-4 - Dakota Plains Load Summary - M:/dr1-4.pdf  
04/18/16 - Attachment Data Request 1-7 - 3 year Outage Report for Dakota Plains - M:/dr1-7a.pdf  
04/18/16 - Attachment Data Request 1-7 - Yankton Reliability Indices CAIDI - M:/dr1-7b.pdf  
04/18/16 - Attachment Data Request 1-7 - Yankton Reliability Indices SAIDI - M:/dr1-7c.pdf  
04/18/16 - Attachment Data Request 1-7 - Yankton Reliability Indices SAIFI - M:/dr1-7d.pdf  
04/18/16 - Attachment Data Request 1-11 - Rates Confidential (not available to the public) - N:/Internet/hp/2014/HP14-002/dr1-11.pdf  
04/22/16 - SDREA's Letter regarding Petition to Intervene - M:/ltr042216.pdf  
04/22/16 - Petition of SDREA to Intervene and Certificate of Service - M:/sdreaintervene.pdf  
04/26/16 - Opposition to Petition of SDREA to Intervene and Certificate of Service - M:/objection.pdf  
04/26/16 - SDREA's Letter regarding Reply to Opposition - M:/ltr042616.pdf  
04/26/16 - Reply to Opposition- M:/opposition.pdf  
04/27/16 - NorthWestern Energy's Letter to Hughes County Clerk of Courts regarding Pro Hac Vice of Al Brogan - M:/ltr042716.pdf  
04/27/16 - Motion for Admission of Al Brogan Pro Hae Vice - M:/admission.pdf  
04/27/16 - Affidavit of Al Brogan for Admission Pro Hac Vice - M:/affidavit.pdf  
04/27/16 - Proposed Order Granting Motion for Admission Pro Hac Vice of Al Brogan - M:/proposedorder.pdf  
04/27/16 - NorthWestern Energy's Letter to Hughes County Clerk of Courts regarding Pro Hac Vice of Al Brogan - M:/ltr042716.df  
04/27/16 - Motion for Admission of Al Brogan Pro Hac Vice - M:/admission.pdf  
04/27/16 - Affidavit of Al Brogan for Admission Pro Hac Vice - M:/affidavit.pdf  
04/28/16 - Proposed Order Granting Motion for Admission Pro Hac Vice of Al Brogan - m:/proposedorder.pdf  
05/04/16 - PUC's Certificate of Service - M:/certificateofservice.pdf  
05/04/16 - PUC's Certificate of Service (SDREA)- M:/sdreacertificateofservice.pdf  
05/04/16 - PUC's Certificate of Service (Bon Homme Yankton Electric Association, Inc.) - M:/bycertificateofservice.pdf  
05/04/16 - PUC's Certificate of Service (Dakota Plains Ag Center, LLC.)- M:/dpcertificateofservice.  
05/06/16 - SDREA's Letter regarding Findings of Fact and Conclusions of Law and Order Granting Intervention - M:/ltr050616.pdf  
05/06/16 - Findings of Fact and Conclusions of Law - M:/findings.pdf  
05/06/16 - Order Granting Intervention - M:/orderintv.pdf  
05/09/16 - PUC Staff's Recommendation for Procedural Schedule and Certificate of Service - M:/ltr050916.pdf  
05/11/16 - Dakota Plains Ag Center, LLC's Proposed Findings of Fact and Conclusions of Law - M:/fof051116.pdf

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05/13/16 - Bon Homme Yankton Electric Association, Inc.'s Certificate of Service - Interrogatories and Requests to Dakota Plains Ag Center, LLC (first set) - M:/omter051316.pdf

05/18/16 - Bon Homme Yankton Electric Association, Inc.'s Certificate of Service - M:/certificateofservice051816.pdf

05/18/16 - NorthWestern Energy's Letter regarding Order Granting Motion for Admission Pro Hae Vice of Al Brogan - M:/ltr051816.pdf

05/18/16 - Notice of Entry of Order Granting Motion for Admission Pro Hae Vice of Al Brogan - M:/orderbrogan.pdf

05/18/16 - Order Granting Motion for Admission Pro Hae Vice of Al Brogan - M:/orderbrogan2.pdf

05/18/16 - Certificate of Service - M:/certificateofservice051816b.pdf

05/19/16 - SDREA's Certificate of Service - M:/certificateofservice051916.pdf

05/23/16 - Commission Staff's Witness List - M:/pucwitnesslist.pdf

05/20/16 - Certificate of Service - M:/certificateofservice052016.pdf

05/20/16 - PUC's Certificate of Service (NorthWestern Energy) - M:/certificateofservice052016b.pdf

05/20/16 - Bon Homme Yankton Electric Association Inc.'s Witness List - M:/witnesslist.pdf

05/20/16 - Certificate of Service - Bon Homme Yankton Electric Association Inc.'s Witness List - M:/cos.pdf

05/24/16 - Dakota Plains Ag Center, LLC's Witness List and Exhibit List - M:/dakpl.pdf

05/20/16 - Certificate of Service - M:/cos052016.pdf

05/20/16 - NorthWestern Energy's Letter regarding Witness List - M:/Ltr052016.pdf

05/20/16 - NorthWestern Energy's Witness List - M:/nwe.pdf

05/23/16 - SDREA's Letter Witness List - ML/ltr052316.pdf

05/23/16 - Witness List - M:/wit.pdf

05/23/16 - Certificate of Service - M:/cos052316.pdf

05/23/16 - PUC Staff's Letter regarding Pre-Hearing Motions - M:/ltr0523.pdf

05/24/16 - Bon Homme Yankton Electric Association, Inc.'s Certificate of Service - M:/certificateofservice052416.pdf

05/26/16 - Bon Homme Yankton Electric Association, Inc.'s Subpoena Duces Tecum to Southeastern Electric Cooperative, Inc. Certificate of Service - M:/certificateofservice052616.pdf

05/26/16 - Bon Homme Yankton Electric Association, Inc.'s Responses to Staff Interrogatories and Requests (Second Set) Certificate of Service- M:/certificateofservice052616b.pdf

05/27/16 - Order for and Notice of Motions Hearing on Less Than 10 Days' Notice - M:/puc/web/internet/commission/orders/electric/2016/el16-013noticeofhearing.pdf

05/27/16 - Dakota Plains Ag Center, LLC's Letter regarding Motions - M:/ltr052716.pdf

05/27/16 - Dakota Plains Ag Center, LLC's Motion in Limine - M:/limine.pdf

05/27/16 - Dakota Plains Ag Center, LLC's Motion to Quash Subpoena Duces Tecum - M:/quash.pdf

05/27/16 - Subpoena Duces Tecum - M:/subpoena.pdf

05/27/16 - Dakota Plains Ag Center, LLC's Memorandum in Support of Motion to Quash Subpoena Duces Tecum - M:/memorandumquash.pdf

05/27/16 - Certificate of Service - M:/certificateofservice052716.pdf

05/27/16 - Subpoena Duces Tecum - M:/subpoena2.pdf

05/27/16 - Motion for Summary Judgment - M:/summaryjudgment.pdf

05/31/16 - Certificate of Service - M:/certificateofservice052716b.pdf

05/27/16 - Dakota Plains Ag Center, LLC's Statement of Material Facts - M:/materialfacts.pdf

05/27/16 - Exhibit A - Electric Distribution Service Agreement Confidential (not available to the public)- N:/Internet/electric/2016/EL16-013/exhibita.pdf

05/27/16 - Brief in Support of Petitioner's Motion for Summary Judgment - M:/summaryjudgmentbrief.pdf

05/27/16 - Dakota Plains Ag Center, LLC's Affidavit of Reed McKee - M:/reedmckeeaffidavit.pdf

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05/27/16 - Dakota Plains Ag Center, LLC's Affidavit of Dan Mutschelknaus - M:/danmutschelknausaffidavit.pdf  
05/27/16 - Exhibit C - Letter to Dakota Plains Ag Center from Professional Design Engineers with Attachment - M:/exhibitc.pdf  
05/27/16 - Affidavit of Matthew Winsand - M:/matthewwinsandaffidavit.pdf  
05/27/16 - Exhibit A - Electric Distribution Service Agreement Confidential (not available to the public)- N:/Internet/electric/2016/EL16-013/exhibita.pdf  
05/27/16 - SDREA's Letter regarding Motion to Dismiss - M:/ltr052716b.pdf  
05/27/16 - Joinder of SDREA to Motion for Summary Judgment - M:/joinder.pdf  
05/27/16 - Certificate of Service - M:/certificateofservice052716c.pdf  
05/27/16 - Motion for Summary Judgment by Bon Homme Yankton Electric Association, Inc. Confidential (not available to the public) - N:/Internet/electric/2016/EL16-013/bysummaryjudgment.pdf  
05/27/16 - Brief of Bon Homme Yankton in Support of Motion for Summary Judgment Confidential (not available to the public)- N:/Internet/electric/2016/EL16-013/bybrief.pdf  
05/27/16 - Statement of Undisputed Material Facts by Bon Homme Yankton Electric Association, Inc. Confidential (not available to the public) - N:/Internet/electric/2016/EL16-013/materialfacts.pdf  
05/27/16 - Exhibit 1 - Electric Distribution Service Agreement Confidential (not available to the public) - N:/Internet/electric/2016/EL16-013/agreement.pdf  
05/27/16 - Affidavit of Merlin J. Goehring - N:/Internet/electric/2016/EL16-013/merlinaffidavit.pdf  
05/27/16 - Exhibit 1 - Dakota Plains AG Center, LLC's Email to Bon Homme Yankton Electric Association, Inc. regarding Southeastern Rural Electric Cooperative Provides Energy Service to the Grain Handling Facility operated by Dakota Plains known as the "Beardsley" Facility Confidential (not available to the public) - N:/Internet/electric/2016/EL16-013/exhibit1.pdf  
05/27/16 - Exhibit 2 - Dakota Plains AG Center, LLC's Email to Bon Homme Yankton Electric Association, Inc. regarding Dakota Plains Ag Center Usage 2012 Confidential (not available to the public) - N:/Internet/electric/2016/EL16-013/exhibit2.pdf  
05/27/16 - Certificate of Service - M:/certificateofservice052716d.pdf  
05/31/16 - Motion to Compel by Bon Homme Yankton Electric Association, Inc. Confidential (not available to the public) - N:/Internet/electric/2016/EL16-013/deckerdeposition.pdf  
05/31/16 - Bon Homme Yankton Electric Association, Inc.'s Brief in Support of Motion to Compel Confidential (not available to the public)- N:/Internet/electric/2016/EL16-013/briefcompel.pdf  
05/31/16 - Affidavit of Nicholas G. Moser in Support of Motion to Compel Confidential (not available to the public) - N:/Internet/electric/2016/EL16-013/moseraffidavit.pdf  
05/31/16 - Exhibit 1 - Interrogatories and Request for Production of Documents (First Set): Nos. 9, 10, 11, 12, 13 and 14 Confidential (not available to the public) - N:/Internet/electric/2016/EL16-013/mosere Exhibit 1.pdf  
05/31/16 - Exhibit 2 - SD REA's Responses to Staff's Data Requests (First Set) Confidential (not available to the public) - N:/Internet/electric/2016/EL16-013/mosere Exhibit 2.pdf  
05/31/16 - Certificate of Service - M:/053116.pdf  
05/31/16 - Bon Homme's Electric Association, Inc.'s Notice of Deposition of Jeff Decker Confidential (not available to the public) - N:/Internet/electric/2016/EL16-013/deckerdeposition.pdf  
05/31/16 - Bon Homme's Electric Association, Inc.'s Notice of Deposition of Matt Winsand Confidential (not available to the public) - N:/Internet/electric/2016/EL16-013/windsandnotice.pdf  
05/31/16 - Bon Homme's Electric Association, Inc.'s Subpoena for Dan Mutschelknaus Confidential (not available to the public) - N:/Internet/electric/2016/EL16-013/mutschelknussubpoena.pdf  
05/31/16 - Bon Homme's Electric Association, Inc.'s Subpoena for Deposition Ryan Block Confidential (not available to the public) - N:/Internet/electric/2016/EL16-013/blocksubpoena.pdf

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05/31/16 - Bon Homme's Electric Association, Inc.'s Subpoena for Deposition Reed McKee Confidential (not available to the public) - N:\Internet\electric\2016\EL16-013\mckeenotice.pdf

05/31/16 - Certificate of Service - M:/certificateofservice053116b.pdf

05/31/16 - Motion for Continuance Pending Completion of Discovery Pursuant to SDCL 15-6-56(f) by Bon Homme Yankton Electric Association, Inc. Confidential (not available to the public) - N:\Internet\electric\2016\EL16-013\continuance.pdf

05/31/16 - Affidavit of Nicholas G. Moser in Support of Motion for Continuance Pursuant to SDCL 16-5-56(f) Confidential (not available to the public) - N:\Internet\electric\2016\EL16-013\moseraffidavitb.pdf

05/31/16 - Exhibit 1 - Dakota Plains Responses to Cooperative's Interrogatories and Request for Production of Documents (First Set) Confidential (not available to the public)- N:\Internet\electric\2016\EL16-013\moserexhibit1b.pdf

05/31/16 - Certificate of Service - M:/certificateofservice053116c.pdf

06/01/16 - SDREA's Notice to Take Depositions (Matt Winsand, Toby Morris, Ryan Block, Terry Sabers, and Dan Mutschelknaus) - M:/sdreadepsoitions.pdf

06/01/16 - SDREA's Notice to Take Depositions (Reed McKee, Jeff Decker, and Brad Wenande) - M:/sdreadepositions2.pdf

06/01/16 - Certificate of Service - M:/certificateofservice060116.pdf

06/02/16 - PUC Staff's Letter regarding Stipulation and Agreement to Continue and to Amend Procedural Schedule - M:/ltr060216.pdf

06/02/16 - Stipulation and Agreement to Continue and to Amend Procedural Schedule - M:/stip.pdf

06/03/16 - Bon Homme Yankton Electric Association, Inc.'s Brief in Resistance to Dakota Plains Motion to Quash - M:/bhquash.pdf

06/03/16 - Bon Homme Yankton Electric Association, Inc.'s Brief in Resistance to Dakota Plains Motion in Limine - M:/bhlimine.pdf

06/03/16 - Certificate of Service - M:/cos060316.pdf

06/03/16 - PUC Staff's Letter regarding Response to Motion to Compel - M:/ltr060316.pdf

06/03/16 - Response to Motion to Compel and Certificate of Service - M:/compel.pdf

06/03/16 - Dakota Plains Ag Center, LLC's Objection to Bon Homme Yankton Electric Association, Inc.'s Motion to Compel and Certificate of Service - M:/dpobjection.pdf

06/03/16 - SDREA's Letter regarding Resistance to Motion in Limine and Motion to Quash - M:/ltr060616.pdf

06/03/16 - Resistance to Motion in Limine and Motion to Quash - M:/sdrea.pdf

06/03/16 - Certificate of Service - M:/cos061616.pdf

06/07/16 - PUC Staff's Fourth Set of Interrogatories and Requests for Production of Documents Certificate of Service (Bon Homme Yankton Electric Association, Inc.) - M:/certificateofservice060716.pdf

06/07/16 - PUC Staff's Fifth Set of Interrogatories and Requests for Production of Documents Certificate of Service (NorthWestern Energy) - M:/certificateofservice060716b.pdf

06/10/16 - Certificate of Service – Bon Homme Yankton Electric Association Inc.'s Responses to Staff Interrogatories and Requests (Third Set) - M:/cos061016.pdf

06/13/16 - 06/13/16 - PUC Staff's Fifth Set of Interrogatories and Requests for Production of Documents Certificate of Service (Bon Homme Yankton Electric Association, Inc.) - M:/certificateofservice061316b.pdf

06/13/16 - 06/13/16 - PUC Staff's Sixth Set of Interrogatories and Requests for Production of Documents Certificate of Service (NorthWestern Energy) - M:/certificateofservice061316.pdf

06/13/16 - PUC Staff's Fifth Set of Interrogatories and Requests for Production of Documents Certificate of Service (Dakota Plains Ag Center, LLC.) - M:/certificateoservice061316c.pdf

06/10/16 - Order Granting Motion for Continuance and Amending Procedural Schedule - M:/puc/web/internet/commission/orders/electric/2016/el16-013continue.pdf

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06/10/16 - Order Denying Motion to Quash Subpoena Duces Tecum -

M:/puc/web/internet/commission/electric/2016/el16-013deny.pdf

06/10/16 - Order Granting Motion to Compel - M:/puc/web/internet/commission/orders/electric/2016/el16-013compel.pdf

06/24/16 - Stipulation and Agreement to Continue and to Amend Procedural Schedule - M/stipluation.pdf

07/25/16 - Stipulation to Dismiss - M:/stipulation072516.pdf

08/11/16 - Order Dismissing and Closing Docket - M:/puc/web/internet/commission/orders/electric/2016/el16-013.pdf

08/11/16 - Docket Closed - M:/close.pdf

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**Docket Synopsis :**