

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

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)
BonHomme – Yankton Electric)

Docket No. EL16-013

**DAKOTA PLAINS AG CENTER, LLC'S
MOTION IN LIMINE**

COMES NOW the Petitioner, Dakota Plains Ag Center, LLC, by and through its attorney, Brett Koenecke, of May, Adam, Gerdes & Thompson LLP, who moves the Commission for an Order striking and excluding all testimony and instructing all counsel and parties, and any and all witnesses to be called, to refrain from all testimony, whether pre-filed or delivered live and in person, related to, or offered for the purposes of, restricting and forbidding testimony on the meaning of the statute SDCL §49-34A-56 and for testifying as to the electrical use need and demand of any facility other than the proposed Dakota Plains facility.

This motion is offered on the grounds that no evidence related to these areas is relevant to the proceedings at hand. No statutory grant of authority has been made to the Public Utilities Commission for the airing, consideration or determination of any issues relative thereto. This hearing is about the Napa Junction facility located as described in the petition and no other.

WHEREUPON Dakota Plains requests that the Commission enter its Order striking and excluding all testimony relative to the above-described areas and instructing participants as described above.

Dated this 26 day of May, 2016

MAY, ADAM, GERDES & THOMPSON, LLP

BY: 

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