

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

**IN THE MATTER OF THE FILING BY)
NORTHWESTERN COPORATION DBA)
NORTHWESTERN ENERGY FOR APPROVAL)
OF A CONTRACT WITH DEVIATIONS)
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**DOCKET NO. EL16-015
MOTION TO DISMISS
NORTHWESTERN'S REQUEST
FOR APPROVAL OF CONTRACT
WITH DEVIATIONS**

COMES NOW NorthWestern Corporation d/b/a NorthWestern Energy ("*NorthWestern*") by and through undersigned counsel of record, and hereby petitions the South Dakota Public Utilities Commission (the "*Commission*"), pursuant to ARSD 20:10:01:02.04, to dismiss the pending request for approval of a contract with deviations between NorthWestern and Dakota Plains Ag Center, LLC ("*Dakota Plains*"), prior to entry of a final order and without prejudice.

NorthWestern and Dakota Plains entered into an Electric Distribution Service Agreement on or about the 8th day of April, 2016 (the "*Service Agreement*"). A portion of the facilities planned for construction at the development was outside the assigned service territory of NorthWestern. Accordingly, NorthWestern's delivery of electric service required Commission approval pursuant to SDCL §49-34A-56. The terms and conditions of the Service Agreement also required Commission approval of a contract with deviations pursuant to ARSD 20:10:13:36. NorthWestern accordingly initiated this Docket No. EL16-015 on April 15, 2016, and requested Commission approval of the deviated terms and conditions of the Service Agreement.

Dakota Plains subsequently chose to accept service from the local electric provider for the planned facilities situated outside of NorthWestern's assigned service territory and requested termination of the Service Agreement. NorthWestern granted the request, and the Service Agreement was mutually terminated, without further liability of either party, effective as of July 15, 2016. Accordingly, no further Commission consideration of the terms and conditions of a contract with deviations between NorthWestern and Dakota Plains is necessary.

NOW, THEREFORE, NorthWestern requests the Commission, prior to entry of a final order and without prejudice, dismiss the request for approval of the contract with deviations, Docket No. EL 16-015.

Dated at Sioux Falls, South Dakota, this 22nd day of July, 2016.

**NORTHWESTERN CORPORATION,
d/b/a NORTHWESTERN ENERGY**



Jonathan M. Oostra &
Al Brogan
3010 West 69th Street
Sioux Falls, SD 57108
Phone: (605) 978-2940
jon.oostra@northwestern.com
Attorneys for NorthWestern Corporation
d/b/a NorthWestern Energy