

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE	*	
COMPLAINT BY JUHL ENERGY, INC.	*	JUHL ENERGY'S RESPONSES TO
AGAINST NORTHWESTERN	*	STAFF'S THIRD SET OF DATA
CORPORATION DBA	*	REQUESTS TO JUHL ENERGY
NORTHWESTERN ENERGY FOR	*	
ESTABLISHING A PURCHASE	*	EL16-021
POWER AGREEMENT	*	
	*	

Below, please find Juhl Energy's Responses to the South Dakota Public Utilities Commission Staff's Third Set of Data Requests to Juhl Energy.

Third Data Request

3-1) Please refer to Attachments 3-1a and 3-1b to Data Request 3-1. Attachment 3-1a is Juhl Energy's Reply Comments in Docket RM13-002, In the Matter of the Consideration of Stands to Govern Avoided Cost Determinations. Attachment 3-1b is South Dakota commission staff's draft rules submitted in Docket RM13-002. On Attachment 3-1a, page 11, section III, Juhl Energy requested that the Commission allow the rules to stand as drafted. Proposed Rule 20:10:40:03 (2), requires the following requirement be met to establish a legally enforceable obligation:

The qualifying facility has entered into an interconnection agreement or the interconnection process is delayed as a result of a dispute that has been filed with the proper jurisdiction.

- a) Please explain how Juhl Energy has met the requirements of a legally enforceable obligation when the qualifying facilities have not entered into interconnection agreements.

Response: (Corey Juhl)

Since the Commission has yet to adopt the proposed rules, it is unclear why the proposed rules have any bearing upon this proceeding or the Juhl projects. Having said that, the Juhl interconnection process has been delayed through no fault of the Juhl projects. NorthWestern has been considering Juhl's interconnection request for 416 days as of this response, and has advised it will now be January 31, 2017 before the interconnection process is completed.

- b) Does Juhl Energy continue to support the rules as drafted in Docket RM13-002? Please explain.

Response: (Corey Juhl)

Given the Commission has yet to adopt the proposed rules, it is unclear why Juhl's support of the proposed rules, or lack thereof, has any bearing on this proceeding or the Juhl projects at issue in this proceeding.