

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

IN THE MATTER OF THE)	Docket No. EL 18-038
COMPLAINT OF ENERGY OF UTAH)	
LLC, AND FALL RIVER SOLAR, LLC)	AFFIDAVIT OF CATHERINE M. SABERS
AGAINST BLACK HILLS POWER)	IN SUPPORT OF MOTION FOR ORDER
INC. DBA BLACK HILLS ENERGY)	COMPELLING RESPONSES TO
FOR DETERMINATION OF)	DISCOVERY REQUESTS AND FOR
AVOIDED COSTS)	EXTENSION OF PRE-HEARING
)	MOTION DEADLINE

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF PENNINGTON)

I, Catherine M. Sabers, being first duly sworn upon my oath, state and depose as follows:

1. I am counsel of record in this matter for Black Hills Power, Inc., d/b/a Black Hills Energy (“BHE”).
2. On February 13, 2020, I served Black Hills Power’s Third Set of Discovery Requests to Fall River Solar on Petitioners, Energy of Utah, LLC and Fall River Solar, LLC (collectively “Fall River”). See attached Exhibit A.
3. The discovery requests specifically indicated in the Introduction that responses and production of requested documents were to be produced on or before February 28, 2020.
4. On Friday, February 28, 2020, I received an email from Fall River’s counsel advising that responses were delayed and would be available the following Monday. See attached Exhibit B.
5. On March 3, 2020, I sent an email to Fall River’s counsel requesting a status update on their pending discovery responses. See attached Exhibit B.

6. I received an email back from Fall River's counsel on March 3, 2020 advising that he was checking on the status of discovery responses, but none were forthcoming. See attached Exhibit C.
7. On March 5, 2020, I sent another email to Fall River's counsel requesting information relating to the status of their discovery responses. See attached Exhibit D.
8. I received a response on March 5, 2020 from Fall River's counsel advising that discovery responses would be forthcoming. See attached Exhibit E.
9. When no discovery responses were provided, on March 9, 2020, I sent another follow-up email to counsel for both Fall River and Staff requesting the Pre-Hearing Motion Deadline be extended to March 20, 2020 due to the fact that Fall River's discovery responses had not been provided and specifically noting that the length of the proposed extension assumed that Fall River's discovery responses were provided by the end of the day March 9, 2020 or first thing the following day. Counsel for both Fall River and Staff advised they did not have an objection to this extension of the deadline. See attached Exhibit E.
10. On March 12, 2020, I sent another email to Staff and Fall River's counsel again noting my concerns regarding Fall River's overdue responses, their impact on the current Scheduling Order, and requesting the Pre-Hearing Motion Deadline be extended to March 31, 2020. I further indicated that if I did not receive discovery responses from Fall River by the end of the day on Friday, March 13, 2020, I would file a Motion to Compel. Staff's counsel replied that Staff did not have an objection to moving the prehearing motions deadline to March 31, 2020. See attached Exhibit F.

11. Fall River's counsel responded on March 12, 2020 that he had followed-up further and that responses should be forthcoming, but did not respond to the request to stipulate to an additional extension of the Pre-Hearing Motion Deadline. See attached Exhibit G.
12. As of today, I still have not received discovery responses from Fall River nor has Fall River's counsel responded to my request for an extension of the Pre-Hearing Motion Deadline to March 31, 2020.

The remainder of this page has been left intentionally blank.

Dated this 16th day of March, 2020.

Cath M Sabers
Catherine M. Sabers

Subscribed and sworn to before me this 16th day of March, 2020.



Kylie Griffith
Notary Public – State of South Dakota

My Commission Expires
December 19, 2025

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

**IN THE MATTER OF THE
COMPLAINT OF ENERGY OF UTAH,
LLC AND FALL RIVER SOLAR, LLC
AGAINST BLACK HILLS POWER
INC. DBA BLACK HILLS ENERGY
FOR DETERMINATION OF AVOIDED
COSTS**

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**BLACK HILLS POWER'S
THIRD SET OF DATA REQUESTS TO
FALL RIVER SOLAR**

EL18-038

Introduction

To: Petitioners, Energy of Utah, LLC and Fall River Solar, LLC, by and through their attorney of record, Mr. William Taylor

PLEASE TAKE NOTICE that pursuant to Rules of the South Dakota Public Utilities Commission, Black Hills Power, Inc., d/b/a Black Hills Energy (“Black Hills”), hereby request that Petitioners, Energy of Utah, LLC and Fall River Solar, LLC, answer in writing, under oath, each of the following interrogatories and to respond to the associated requests for requests for production of documents and to produce for inspection and copying the documents produced on or before February 28, 2020.

Definitions

The terms "all" and "each" shall be construed as all and each.

The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

The terms "concerning" and "regarding" are used herein in the broadest sense and mean referring to, relating to, pertaining to, describing, discussing, reflecting, evidencing, supporting, constituting, or embodying in any way, either directly or indirectly.

The term "document" is used in its broadest sense and includes, but is not limited to, any kind, however produced or reproduced, of written, printed, typed, or other graphic or photographic matter of any nature, any audio or video recordings, computer data, as well as disks or other devices storing such data, and other data compilations from which information can be obtained including, but not limited to email, text messages, postings on the internet or social media, papers, letters, correspondence, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, invoices, purchase orders, instructions, specifications, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, plans, drawings, specifications, diagrams, estimates, vouchers, billings, checks,

reports, studies, and contracts, including all addenda and change orders.

When referring to a person, to "identify" means to give, to the extent known, the person's full name, present or last known address, telephone number, 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. When referring to documents, "to 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). When referring to communications, "to identify" means to give, to the extent known, the (i) names, addresses, and last known places of employment of the participants to the communication, (ii) the subject matter of the communication, (iii) the location(s) of the communication; (iv) the mode of communication (e.g., written, by telephone, meeting, etc.); (v) the date of the communication; and (vi) all persons who were present.

The term "person" is defined as any natural person or business, legal or governmental entity or association.

The terms "relate," "relating," or "related" mean supports, proves, tends to prove, is associated or affiliated with, is connected with, corresponds to, complements, evidences, embodies, includes, comprises, refers to, explains, mentions, describes, contradicts, or tends to contradict.

The term "you" means Energy of Utah, LLC and Fall River Solar, LLC and its agents, employees, affiliates, predecessors in interest, and subsidiaries, collectively referred to herein as "Fall River."

Instructions

These discovery requests are directed to you and cover all information in your possession, custody, and control, including all non-privileged information in the possession of your agents, representatives, and attorneys.

You are required to answer these requests completely, based on information that is known, or obtainable upon investigation, at the time your answers are served. Where you do not know, or cannot recall, whether particular responsive information or documents exist, you must state the efforts made to ascertain their existence. Requests that cannot be answered in full shall be answered as completely as possible, and incomplete answers shall be accompanied by reasons for the incompleteness of the answer as well as a statement of whatever knowledge, information, or belief is possessed with respect to each unanswered or incompletely answered request.

In these discovery requests, the singular shall include the plural, and the plural shall include the singular. Any pronoun means the masculine, feminine, and neuter gender and the singular or plural, as in each case may be appropriate. The use of a verb in any

tense shall be construed as the use of the verb in all tenses as is necessary to bring within the scope of a discovery request all responses that might otherwise be construed to be outside its scope.

These discovery requests are ongoing. If any information or documents come to your attention or into your possession, custody, or control after you have filed your response, which information or documents were not included in your response, such information and/or documents must be promptly furnished to the undersigned.

If any of the documents requested below have been destroyed or otherwise discarded, you are requested to identify the document destroyed or discarded in the same manner as identification is required for privileged documents.

If any discovery request, request for admission or for production (or portion thereof) is objected to, you must state the reason for the objection in detail.

If an interrogatory has sub-parts, answer each subpart separately and in full, and do not limit your answer to the interrogatory as a whole. If any interrogatory cannot be answered in full, answer to the extent possible and specify the reason for your inability to answer the remainder and state whatever information and knowledge you have regarding the unanswered portion.

If a claim of privilege is asserted concerning any information sought or any document for which identification is requested, provide the following:

- A. Identify all communications by stating the participants in the communication, the date of the communication, and the general subject matter of the communication;
- B. Identify all documents by identifying the (i) type of document (letter, memo, and so forth); (ii) general subject matter of the document; (iii) date of the documents; and (iv) author(s), addressee(s), and recipient(s);
- C. State the nature of the privilege asserted; and state in detail the factual and legal basis for the claim of privilege.

DISCOVERY

1. On page 4 of his pre-filed testimony, your expert witness Mark Klein (“hereinafter Mr. Klein”) indicated that in June of 2019, “Black Hills updated its avoided cost calculation to \$28.30 per megawatt hour after including an inflation factor of 1.5% and changing the levelization discount rate to 7.41%,” please identify the basis for the statement that the “levelization discount rate” was changed to 7.41%.
2. If, in the prior response, you have indicated that the basis for the statement quoted in Discovery Response 1 is previous testimony or any document, please provide a citation to the testimony or document upon which you are relying or to which you are referring.

3. On page 6 of his pre-filed rebuttal testimony, Mr. Klein indicates that “for purposes of this proceeding [Black Hills] shifted to a weather-normalized econometric forecast to determine load,” please identify the basis for this statement?
4. If, in the prior response, you have indicated that the basis for the statement quoted in Discovery Request 3 is included in previous testimony or in any document, please provide a citation to the testimony or document upon which you are relying or to which you are referring.
5. On page 6 of his testimony, Mr. Klein indicates that energy growth of 1% per annum would be “more in line.” Please identify the basis for this statement and provide any workpapers, spreadsheets, modeling, calculations, analysis, data sources or any other documents that support the opinions set forth at Page 6, Line 16-20 of Mr. Klein’s testimony. To the extent the modeling, calculations or analysis was (were) accomplished in some type of computerized or electronic spreadsheet or workpaper or any other type of computerized or electronic document, please provide them in native form with formulas in-tact.
6. Please provide any and all workpapers, documents, modeling, calculations, analysis, spreadsheets, or data sources or spreadsheets which underlie or supports, in any way, Mr. Klein’s statement/conclusion that a 1% per annum growth rate would increase Mr. Kearney’s calculated avoided cost by \$.23 per megawatt hour. To the extent that modeling, calculations or analysis was (were) accomplished in some type of computerized or electronic spreadsheet or workpaper or any other type of computerized or electronic document, please provide the documents in native form with formulas in-tact.
7. Please provide the basis or bases for Mr. Klein’s testimony at Page 7, Line 7-13 that “the Commission has held that twenty years is the appropriate term for a power purchase agreement between Fall River and Black Hills?”
8. Please identify any research, public utility commission opinions, scholarly articles, journals or any other documentation of any sort or nature, which supports the statement/conclusion that if a contract is for 20 years any lookback for analyzing likely inflation must match that contract period. (Note: please reference generally Mr. Klein’s testimony at Page 7, line 12-13).
9. If you did not identify any documents in response to the prior interrogatory, please identify any other basis for the statement at page 7, line 12-13 indicating: “[A]t a minimum, an inflation factor forecast should match the life of the contract.”
10. Please provide any and all research, public utility commission opinions, scholarly articles, journals or any other documentation of any sort or nature which supports the

statement at page 7, Line 17-18 of Mr. Klein's pre-filed rebuttal testimony that "Consumer goods price inflation from 1998 to 2018 is generally thought to be about 2.2%[.]"

11. Please provide any and all research, public utility commission opinions, scholarly articles, journals or any other documentation of any sort or nature which supports the statement at page 7, Line 20-21 of Mr. Klein's pre-filed rebuttal testimony that "the rate of inflation for energy from 1998 to 2018 was approximately 3.9%[.]"
12. Please provide any and all research, public utility commission opinions, scholarly articles, journals, or any other documentation of any sort or nature, which supports the statement at page 7, line 22-23 of Mr. Klein's pre-filed rebuttal testimony that support the statement "Long range economic forecasts predict general price inflation in the United States to be higher than 2.1% for the period 2018-2038."
13. Please provide any and all workpapers, documents, modeling, calculations, analysis, spreadsheets, or data sources which underlie or supports, in any way, Mr. Klein's statement/conclusion at Page 8, Line 3-4 of his pre-filed rebuttal testimony that 2.45% is the proper rate of inflation to be used in this case. To the extent that modeling, calculations, or analysis was (were) accomplished in some type of computerized or electronic spreadsheet or workpaper, or any type of computerized or electronic document, please provide them in native form with formulas in-tact.
14. Please provide any and all workpapers, documents, modeling, calculations, analysis, spreadsheets, or data sources which underlie or supports, in any way, Mr. Klein's statement/conclusion that use of a 2.45% inflation rate would increase Mr. Kearney's avoided cost by \$.67 per megawatt hour. To the extent that modeling, calculations, or analysis was (were) accomplished in some type of computerized or electronic spreadsheet or workpaper or any other type of computerized or electronic document, please provide them in native form with formulas in-tact.
15. At page 8 of his pre-filed rebuttal testimony, Mr. Klein states that "[u]tilities outside of organized markets have 'all excess energy' agreements with other utilities in which one utility is obligated to take and pay for all of the excess energy of another utility[.]" please provide and identify any contracts, agreements or any other documentary evidence of any type which would indicate that Black Hills Power has contract such as that described within this request and Mr. Klein's testimony with another utility.
16. Please provide any and all workpapers, documents, modeling, calculations, analysis, spreadsheets, or data sources which underlie or supports, in any way, Mr. Klein's statement/conclusion that the value of electricity sold in the Long 2 situation in this case would increase Mr. Kearney's levelized avoided cost by about \$.24 per megawatt hour. To the extent that modeling, calculations, or analysis was (were) accomplished in some

type of computerized or electronic spreadsheet or workpaper or any other type of computerized or electronic document, please provide them in native form with formulas in-tact.

17. At page 11, line 19-23, Mr. Klein indicates that “utility scale photo voltaic solar generators deployed in areas similar to exposure any weather to Fall River’s location have a capacity factor of 27% to 30%, depending on the use of trackers and bi-facial panels,” please identify the projects referenced with Mr. Klein’s testimony by location, project name, project owner, and interconnected utility.
18. With regard to the projects identified and referenced in the prior interrogatory provide any and all documents which would support the claimed capacity factor and the resulting accredited capacity of those projects identified in Discovery Request 17.
19. Please identify the basis for the statement/conclusion at Page 11, Line 22-23 of Mr. Klein’s pre-filed rebuttal testimony that “during peak loads, the Fall River Solar output may be close to 70 MW during the summer and 30 MW during the winter.” If there are documents that support this statement/ conclusion, please provide those documents.
20. Please identify the basis for Mr. Klein’s opinion stated at Page 12, Line 1-4 that “a new photo voltaic utility scale generator with a tracking system and using bi-facial panels which will increase the winter production will have an average capacity contribution factor of 62.5%.”
21. Please provide any and all documents, which support the opinion referenced and set forth in Discovery Request Number 20.
22. Please provide any and all documents which support the conclusion that the Fall River Solar Project, as constructed, will including a tracking system and bi-facial panels.
23. Please provide any and all workpapers, documents, modeling, calculations, analysis, spreadsheets, or data sources which underlie or supports, in any way, Mr. Klein’s statement/conclusion that use of a “63% capacity contribution factor” would increase Mr. Kearney’s levelized avoided cost by \$1.93 per megawatt hour and that a “62.5% capacity contribution factor” would increase Mr. Kearney’s levelized capacity cost by \$1.85 per megawatt hour. To the extent that modeling, calculations, or analysis was (were) accomplished in some type of computerized or electronic spreadsheet or workpaper or any other type of computerized or electronic document, please provide them in native form with formulas in-tact.

Dated this 13th day of February, 2020.

By: Cathy M. Sabers
Catherine M. Sabers
Associate General Counsel
Black Hills Power, Inc.
7001 Mt. Rushmore Road
Rapid City, SD 57702
(605) 721-1914
Cathy.Sabers@blackhillscorp.com

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

**IN THE MATTER OF THE COMPLAINT
OF ENERGY OF UTAH, LLC AND FALL
RIVER SOLAR, LLC AGAINST BLACK
HILLS POWER INC. DBA BLACK HILLS
ENERGY FOR DETERMINATION OF
AVOIDED COSTS**

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CERTIFICATE OF SERVICE

EL18-038

I certify the foregoing unsigned Black Hills Power's Third Set of Data Requests to Fall River Solar were served on the following this 13th day of February, 2020:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501
Patty.Vangerpen@state.sd.us


Ms. Kristen Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501
Kristen.Edwards@state.sd.us

Mr. Darren Kearney
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501
Darren.Kearney@state.sd.us

Mr. Jon Thurber
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501
Jon.Thurber@state.sd.us

Mr. William Taylor
Mr. John E. Taylor
Mr. Jeremy Duff
4820 E. 57th Street, Ste. B
Sioux Falls, SD 57108
bill.taylor@taylorlawsd.com
john.taylor@taylorlawsd.com
*Attorneys for Energy of Utah, LLC
and Fall River Solar, LLC*

Ms. Brittany Mehlhaff
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Avenue
Pierre, SD 57501
Brittany.Mehlhaff@state.sd.us

By: 
Catherine M. Sabers
Associate General Counsel
Black Hills Power, Inc.
7001 Mt. Rushmore Road
Rapid City, SD 57702
(605) 721-1914
Cathy.Sabers@blackhillscorp.com

Griffith, Kylie

From: Sabers, Cathy
Sent: Tuesday, March 3, 2020 9:36 AM
To: Bill Taylor; Kristen Edwards
Cc: Griffith, Kylie
Subject: RE: Discovery responses

Bill:

Please provide a status update.

Cathy

From: Bill Taylor <bill.taylor@taylorlawsd.com>
Sent: Friday, February 28, 2020 3:32 PM
To: Sabers, Cathy <Cathy.Sabers@blackhillscorp.com>; Kristen Edwards <Kristen.Edwards@state.sd.us>
Subject: Discovery responses

**** EXTERNAL EMAIL. Is this an expected email? STOP and THINK before clicking links or opening attachments. ****

I'm waiting on approval by my client of the draft discovery responses. Given the late hour, it looks like I won't be sending responses until Monday.

I'll keep you advised.

William Taylor
Taylor Law Firm, LLC
4820 East 57th Street
Sioux Falls, South Dakota 57108
bill.taylor@taylorlawsd.com
605-212-1750 Cell
605-782-5304 Office
<http://www.taylorlawsd.com>

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Griffith, Kylie

From: Bill Taylor <bill.taylor@taylorlawsd.com>
Sent: Tuesday, March 3, 2020 9:37 AM
To: Sabers, Cathy
Cc: Kristen Edwards; Griffith, Kylie
Subject: Re: Discovery responses

**** EXTERNAL EMAIL. Is this an expected email? STOP and THINK before clicking links or opening attachments. ****

Five minutes ago I emailed Mr. Klein and asked him the same question. I'll advise when I hear from him.

William Taylor
Taylor Law Firm, LLC
4820 East 57th Street
Sioux Falls, South Dakota 57108
bill.taylor@taylorlawsd.com
605-212-1750 Cell
605-782-5304 Office
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On Mar 3, 2020, at 10:35 AM, Sabers, Cathy <Cathy.Sabers@blackhillscorp.com> wrote:

Bill:

Please provide a status update.

Cathy

From: Bill Taylor <bill.taylor@taylorlawsd.com>
Sent: Friday, February 28, 2020 3:32 PM
To: Sabers, Cathy <Cathy.Sabers@blackhillscorp.com>; Kristen Edwards <Kristen.Edwards@state.sd.us>
Subject: Discovery responses

**** EXTERNAL EMAIL. Is this an expected email? STOP and THINK before clicking links or opening attachments. ****

I'm waiting on approval by my client of the draft discovery responses. Given the late hour, it looks like I won't be sending responses until Monday.

I'll keep you advised.

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Griffith, Kylie

From: Sabers, Cathy
Sent: Thursday, March 5, 2020 10:00 AM
To: Bill Taylor
Cc: Griffith, Kylie; Edwards, Kristen
Subject: Discovery

We had expedited discovery timelines for the last set of requests due to the proximity to pre-hearing motions and trial. On Friday, you told me Monday, and Monday you said you would check. What is the status as this impacts other matters.

By the way, I don't think Mr. Kline's testimony is even on the website yet because there has not been a signed certificate of service.

Cathy

Griffith, Kylie

From: Sabers, Cathy
Sent: Monday, March 9, 2020 11:02 AM
To: Bill Taylor
Cc: Kristen Edwards; Griffith, Kylie
Subject: RE: DRs

Bill and Kristen:

Given that we still do not have Fall River's responses to discovery, I am suggesting that we move the prehearing motions date by one week until March 20, 2020. The length of this proposed extension assumes that we have those discovery responses by end of day today or first thing tomorrow.

Please let me know your thoughts.

Cathy

Cathy Sabers | Black Hills Energy | Associate General Counsel | Desk: 605-721-1914 | Cell: 605-580-7689

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From: Bill Taylor <bill.taylor@taylorlawsd.com>
Sent: Thursday, March 5, 2020 1:39 PM
To: Sabers, Cathy <Cathy.Sabers@blackhillscorp.com>
Subject: DRs

**** EXTERNAL EMAIL. Is this an expected email? STOP and THINK before clicking links or opening attachments. ****

I talked to Klein, he says I'll have them this afternoon. As soon as they are proofed I'll send them to you.

William Taylor
Taylor Law Firm, LLC
4820 East 57th Street
Sioux Falls, South Dakota 57108
bill.taylor@taylorlawsd.com
605-212-1750 Cell
605-782-5304 Office
<http://www.taylorlawsd.com>

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Griffith, Kylie

Subject: FW: One more question

From: Edwards, Kristen <Kristen.Edwards@state.sd.us>
Sent: Thursday, March 12, 2020 3:57 PM
To: Sabers, Cathy <Cathy.Sabers@blackhillscorp.com>; Bill Taylor <bill.taylor@taylorlawsd.com>
Cc: Griffith, Kylie <Kylie.Griffith@blackhillscorp.com>
Subject: RE: One more question

**** EXTERNAL EMAIL. Is this an expected email? STOP and THINK before clicking links or opening attachments. ****

I have no objection, as the proposal is reasonable in light of the delay.

From: Sabers, Cathy <Cathy.Sabers@blackhillscorp.com>
Sent: Thursday, March 12, 2020 4:55 PM
To: Bill Taylor <bill.taylor@taylorlawsd.com>
Cc: Edwards, Kristen <Kristen.Edwards@state.sd.us>; Griffith, Kylie <Kylie.Griffith@blackhillscorp.com>
Subject: RE: [EXT] One more question

Please advise as to your response on my proposal regarding pre-hearing motions.

Thanks-
Cathy

Cathy Sabers | Black Hills Energy | Associate General Counsel | Desk: 605-721-1914 | Cell: 605-580-7689

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From: Bill Taylor <bill.taylor@taylorlawsd.com>
Sent: Thursday, March 12, 2020 2:05 PM
To: Sabers, Cathy <Cathy.Sabers@blackhillscorp.com>
Cc: Edwards, Kristen <Kristen.Edwards@state.sd.us>; Griffith, Kylie <Kylie.Griffith@blackhillscorp.com>
Subject: Re: One more question

**** EXTERNAL EMAIL. Is this an expected email? STOP and THINK before clicking links or opening attachments. ****

I spoke to Mr. Klein yesterday and understood I was to receive answers in segments yesterday and today. I will check with him again and advise.

William Taylor
Taylor Law Firm, LLC
4820 East 57th Street
Sioux Falls, South Dakota 57108
bill.taylor@taylorlawsd.com
605-212-1750 Cell
605-782-5304 Office
<http://www.taylorlawsd.com>

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On Mar 12, 2020, at 2:54 PM, Sabers, Cathy <Cathy.Sabers@blackhillscorp.com> wrote:

All:

[REDACTED]

[REDACTED]

In addition, I am concerned that we still have not received Fall River's discovery responses, which are now well overdue considering that the schedule provided for expedited responses. We originally moved the prehearing motions date by one week, but that was because we were promised responses were forthcoming. I do not want to be difficult, however, I cannot put my client at a disadvantage as we near hearing in this matter. I believe it is appropriate to move the prehearing motion deadline to the 31st and they will have to be heard at the actual hearing. In addition, if responses are not provided by COB on Friday, I will need to file a motion to compel and we will need to discuss how that impacts the rest of the calendar.

Please advise as to your willingness to agree to a March 31, 2020 deadline for motions.

Sincerely,
Cathy

Cathy Sabers | Black Hills Energy | Associate General Counsel | Desk: 605-721-1914 | Cell: 605-580-7689

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Griffith, Kylie

Subject: FW: One more question

From: Bill Taylor <bill.taylor@taylorlawsd.com>
Sent: Thursday, March 12, 2020 2:05 PM
To: Sabers, Cathy <Cathy.Sabers@blackhillscorp.com>
Cc: Edwards, Kristen <Kristen.Edwards@state.sd.us>; Griffith, Kylie <Kylie.Griffith@blackhillscorp.com>
Subject: Re: One more question

**** EXTERNAL EMAIL. Is this an expected email? STOP and THINK before clicking links or opening attachments. ****

I spoke to Mr. Klein yesterday and understood I was to receive answers in segments yesterday and today. I will check with him again and advise.

William Taylor
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