

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

**IN THE MATTER OF THE PETITION
OF GEVO NET-ZERO 1, LLC TO
HAVE KINGSBURY ELECTRIC
COOPERATIVE, INC, ASSIGNED AS
ITS ELECTRIC PROVIDER IN THE
SERVIE AREA OF OTTER TAIL
POWER COMPANY**

*
*
*
*
*
*
*
*

**MOTION FOR PROCEDURAL
SCHEDULE**

EL24-024

COMES NOW, Staff (“Staff”) of the South Dakota Public Utilities Commission (“Commission”) and hereby files this Motion for Procedural Schedule.

This docket was opened on June 28, 2024, with the filing of a Petition by Gevo Net-Zero 1, LLC (Applicant) to have Kingsbury Electric Cooperative, Inc, assigned as its electric provider in the service area of Otter Tail Power Company. The parties to this proceeding are currently Staff and Applicant as well as intervenors Kingsbury Electric Cooperative, Inc.; East River Electric Power Cooperative, Inc.; and Otter Tail Power Company. This proposed schedule will apply to this docket and to Docket EL24-025 with a combined hearing date to promote efficiency because of the interrelated nature of these two dockets.

Staff reviewed available hearing dates and prepared this proposed procedural schedule to allow sufficient time for the parties to engage in meaningful discovery and prepare for an evidentiary hearing within that timeframe.

Staff did reach out to the parties with this schedule prior to filing. Staff requests the Commission adopt the following procedural schedule in this docket:

Applicant Testimony	October 11, 2024 (Filed by noon)
Staff/Intervenor Testimony Filed	November 1, 2024 (Filed by noon)
Rebuttal Testimony Filed	November 20, 2024 (Filed by noon)
Final Discovery Sent	November 21, 2024 (Sent by 5pm)

Responses to Final Discovery Due	December 3, 2024 (Sent by 5pm)
Exhibits and Witness/Exhibit Lists Filed	December 5, 2024 (Filed by noon)
Pre-hearing Conference	December 6, 2024 (4:00 pm)
Evidentiary Hearing	December 9-11, 2024


Staff proposes the Commission order that all responses to discovery requests are due 7-business days after service. Allowing additional time to respond to discovery requests will significantly interfere with the number of rounds of discovery the parties may issue prior to submitting testimony and before the evidentiary hearing.

Staff also proposes the Commission require that all witnesses must submit prefiled testimony in accordance with the deadlines specified in the proposed procedural schedule in order to be eligible to testify during the evidentiary hearing. Additionally, Staff proposes all exhibits, including testimony, be marked and prefiled prior to the evidentiary hearing in accordance with the proposed schedule to promote efficiency at the hearing.

The parties are also discussing terms or a protective order for this docket and will file a proposed protective order for Commission approval.

WHEREFORE, Staff respectfully requests the Commission issue an order 1) adopting Staff's proposed procedural schedule as detailed in this Motion, 2) establishing a seven-business day deadline for responses to discovery requests, 3) requiring all witnesses to submit prefiled written testimony, and 4) requiring all exhibits be marked and filed prior to the evidentiary hearing.

Dated this 1st day of October 2024.


Amanda M. Reiss
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501
Phone (605)773-3201

Amanda.reiss@state.sd.us