

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

**IN THE MATTER OF THE COMPLAINT OF VALLEY
QUEEN CHEESE FACTORY, INC. AGAINST
OTTER TAIL POWER COMPANY**

**ORDER APPROVING
STIPULATION TO DISMISS
WITHOUT PREJUDICE AND
CLOSE DOCKET**

EL25-026

On July 9, 2025, the South Dakota Public Utilities Commission (Commission) received a Complaint against Otter Tail Power Company (Otter Tail) from Valley Queen Cheese Factory, Inc (Valley Queen). The Complaint alleged that Otter Tail's application of Phase-In Rider (PIR) factor to the Real-Time Pricing (RTP) rate, pursuant to tariff, is unjust and unreasonable. Valley Queen requested the Commission enter an order determining the PIR should not apply to the RTP tariff and amend the Mandatory Riders-Applicable Matrix, require Otter Tail credit Valley Queen for past charges, award Valley Queen its costs and disbursements in this matter, and grant any other relief the Commission deems just and reasonable.

On July 10, 2025, the Commission electronically transmitted notice of the filing and the answer deadline of August 5, 2025, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. No petitions to intervene or comments were filed. On July 23, 2025, the Parties filed a Stipulation and Request for Waiver of ARSD 20:10:01:09 and on July 24, 2025, the Commission issued an Order Establishing Answer Deadline. On August 5, 2025, Otter Tail filed an Answer to Consumer Complaint. On August 15, 2025, Otter Tail filed a Motion to Dismiss and Motion for Hearing. On August 26, 2025, the Commission issued an Order for and Notice of Hearing on Motion to Dismiss, scheduling a hearing on the Motion to Dismiss. On September 30, 2025, Staff and Valley Queen filed responsive pleadings to the Motion to Dismiss. On October 14, 2025, Otter Tail filed a Reply Brief in Support of the Motion to Dismiss. On October 21, 2025, Valley Queen, Otter Tail and Staff filed a Stipulation to Dismiss.

The Commission has jurisdiction over this matter pursuant SDCL Chapter 49-43A and ARSD Chapter 20:10:01, specifically, 20:10:01:02.04.

At its regularly scheduled meeting of October 23, 2025, the Commission considered the Stipulation to Dismiss. After hearing from the Parties, the Commission voted unanimously to approve the Stipulation to Dismiss and dismiss the docket without prejudice. It is therefore

ORDERED, that the Complaint of Valley Queen Cheese Factory, Inc Against Otter Tail Power Company is hereby dismissed without prejudice.

Dated at Pierre, South Dakota, this 27th day of October 2025.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.

By: Kristie Fiegen

Date: 27 October 2025

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner