

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

**IN THE MATTER OF BIG STONE ENERGY
PROJECT, LLC'S PETITION FOR A DECLATORY
RULING REGARDING OTTER TAIL POWER
COMPANY'S ENERGY EFFICIENCY PROGRAM'S
COST RECOVERY FEE**

) **ORDER GRANTING MOTION**
) **TO DISMISS WITHOUT**
) **PREJUDICE AND CLOSE**
) **DOCKET**
)
) **EL25-018**

On April 23, 2025, the South Dakota Public Utilities Commission (Commission) received a Petition from Big Stone Energy Storage Project, LLC (BSESP), requesting the Commission issue a Declaratory Ruling regarding Otter Tail Power Company's Energy Efficiency Program's Cost Recovery Fee. Specifically, BSESP requested the Commission declare the fee inapplicable to the BSESP's non-firm, charging load.

On April 24, 2025, the Commission electronically transmitted notice of the filing and the intervention deadline of May 9, 2025, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. No petitions to intervene or comments have been filed to date. On May 16, 2025, BSESP filed a letter requesting the Commission consider the Petition in parallel with Docket EL25-015, waiving the requirement that the Commission issue a ruling within 60-days as provided by ARSD 20:10:01:35. On August 22, 2025, BSESP filed a letter requesting to withdraw the Petition for a Declaratory Ruling and requesting to close the docket.

The Commission has jurisdiction over this matter pursuant SDCL Chapter 49-43A and ARSD 20:10:01:02.04 and 20:10:01:34.

At its regularly scheduled meeting of September 9, 2025, the Commission considered the Motion to Dismiss Without Prejudice. The Commission voted unanimously to grant the Motion to Dismiss Without Prejudice and Close the Docket. It is therefore

ORDERED, that the Petition for Declaratory Ruling is hereby dismissed without prejudice and the docket is closed as of the date of this order.

Dated at Pierre, South Dakota, this 15th day of September 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:	<u>M. L. Faerst</u>
Date:	<u>09/15/2025</u>

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner