

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

IN THE MATTER OF THE APPLICATION BY)	SCHEDULING AND
OTTER TAIL POWER COMPANY ON BEHALF)	PROCEDURAL ORDER
OF BIG STONE II CO-OWNERS FOR AN)	
ENERGY CONVERSION FACILITY PERMIT)	EL05-022
FOR THE CONSTRUCTION OF THE BIG)	
STONE II PROJECT)	

On July 21, 2005, Otter Tail Power Company (Applicant) on behalf of the Project Co-Owners, Central Minnesota Municipal Power Agency, Great River Energy, Heartland Consumers Power District, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Otter Tail Corporation d/b/a Otter Tail Power Company, Southern Minnesota Municipal Power Agency and Western Minnesota Municipal Power Agency submitted to the Public Utilities Commission (Commission) an application for a permit for an energy conversion facility. The proposed energy conversion facility is a nominal 600 MW coal-fired electric generating facility and associated facilities, which the Project co-owners have named Big Stone II, to be located on an industrial site adjacent to the existing Big Stone Plant Unit I in Grant County, South Dakota. The proposed site is located East of Milbank and Northwest of Big Stone City, in Grant County, South Dakota.

On July 28, 2005, the Commission electronically transmitted notice of the filing to interested individuals and entities, however, it did not include an intervention date. On August 5, 2005, the Commission electronically transmitted an amended notice which included an intervention deadline of September 18, 2005. On August 18, 2005, the Commission electronically transmitted and posted to its web page an Errata Notice for Amended Weekly Filings setting forth the correct intervention deadline of September 19, 2005. On August 25, 2005, the Commission received a Petition to Intervene from Clean Water Action (Clean Water). On September 16, 2005, the Commission received Applications for Party Status from South Dakota Chapter Sierra Club (Sierra Club) and Union of Concerned Scientists (Union). On September 19, 2005, the Commission received Applications for Party Status from Mary Jo Stueve (Stueve), Minnesotans for an Energy-Efficient Economy (Minnesotans), Izaak Walton League of America - Midwest Office (Izaak Walton) and Minnesota Center for Environmental Advocacy (Minnesota Center). At its September 27, 2005, meeting, the Commission granted intervention to Clean Water, Sierra Club, Union, Stueve, Minnesotans, Izaak Walton and Minnesota Center. On September 20, 2005, the Commission received a letter and proposal from the Local Review Committee requesting funds to employ consultants to assist the Local Review Committee in carrying out the Committee's responsibilities, and on October 4, 2005, at its regularly scheduled meeting, the Commission voted unanimously to grant the Local Review Committee's request to hire consultants and to provide \$47,950 for this purpose. On November 28, 2005, the Commission received a Motion for Pre-Hearing Conference from Applicants.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B and ARSD Chapter 20:10:22.

On December 2, 2005, the Commission's Counsel held an initial Pre-Hearing Conference via conference call to discuss schedule and other preliminary procedural issues. The list of issues in Applicants' Motion for Pre-Hearing Conference served as the agenda for the conference. Based upon the Pre-Hearing Conference, the Commission establishes the following procedural schedule and preliminary procedural rulings and notifications.

Procedural Schedule (all dates 2006)

March 15	Applicants' Direct Testimony
April 28	Intervenors' and Staff's Direct Testimony
May 19	All Parties' Rebuttal Testimony
May 30	Pre-Hearing Conference
June 6-9	Hearing, Rm. 412, Capitol Bldg, Pierre, SD 9:30 a.m. first day, 8:30 a.m. subsequent days
June 21	All Parties' Initial Briefs and Proposed Findings of Fact, Conclusions of Law and Order
June 30	All Parties' Responsive Briefs and Proposed Findings, Conclusions and Order
July 6	Oral Argument, Rm. 412, Capitol Bldg, Pierre, SD 1:30 p.m. (telephonic participation permitted)
July 11	Commission Action, Rm. 412, Capitol Bldg, Pierre, SD 9:30 a.m. (telephonic participation permitted)
July 21	Findings of Fact, Conclusions of Law and Final Decision and Order

The parties shall file and serve any documents referenced in the above schedule on or before the date for such filing. The parties may, but are not obligated to, present oral argument or submit post-hearing briefs and/or proposed findings and conclusions.

In addition to legally required minimum service of pleadings and other documents in this case, the parties shall electronically transmit documents to all counsel listed for the party to be served on the E-Service List, pro se parties and the Commission as applicable for the document to be served. If a document intended for filing is served electronically on the Commission, it shall be deemed filed as of the time the email is sent, provided the paper original and copies required to be filed under the Commission's rules are promptly received by the Commission thereafter. A document served electronically on the Commission for filing shall be deemed timely if the email is sent on or before 5:00 p.m. Central Time on the due date for filing. Electronic service shall be accomplished by sending an email addressed to the email address on the E-Service List with the documents to be filed attached in a widely used file format, such as, PDF, Word, Excel, PowerPoint, JPG, MPG, etc. The parties are also directed, where possible, to attach readable text or data versions of documents transmitted in scanned or write-protected form to facilitate easy use by the recipient (e.g. if a scanned PDF is served, the underlying Word, Excel, etc. document should also be attached). To the extent that the filing requirements of this order conflict with the Commission's rules, the provisions of the rule in conflict are hereby waived.

Service Lists

The Commission will maintain service lists for this proceeding and post them on the Commission's web page for Docket EL05-022, which can be accessed at www.puc.sd.gov under "Commission Action" "Commission Dockets" "2005 Electric Dockets" "EL05-022" "Service Lists." The service lists will include a Legal Service List, an E-Service List and an Interested Person List. The Legal Service List will contain information for service by mail upon each party pro se and for all local counsel of record in this proceeding. The E-Service List will contain the e-service information for all counsel of record in this proceeding, pro se parties and the Commission. The Interested Person List will contain the names of other persons who have requested to receive information in the case. To the extent they have not done so already, the parties or their attorneys shall promptly provide current service information to the Commission for inclusion on the service lists, including current address, phone number, fax number and the email address at which they wish to receive electronic transmittals and shall promptly notify the Commission and all parties of any changes to such information. It shall be the responsibility of each party and each attorney to review the service lists posted on the Commission's web site for this proceeding, to verify that the service information for such person or attorney is accurate, and to immediately notify the Commission of any inaccuracies or changes in the service information for such person or attorney.

It is therefore

ORDERED, that the above procedural schedule and procedural rulings shall be adopted for purposes of this case and shall be complied with by the parties.

Dated at Pierre, South Dakota, this 18th day of January, 2006.

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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Melaine Koeb</u>
Date:	<u>1/18/06</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert Kahr
ROBERT K. SAHR, Chairman

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner

Gary Hanson
GARY HANSON, Commissioner