

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

IN THE MATTER OF THE APPLICATION OF OTTER TAIL CORPORATION D/B/A OTTER TAIL POWER COMPANY FOR AUTHORITY TO INCREASE ITS ELECTRIC RATES))))	ORDER FOR AND NOTICE OF PROCEDURAL SCHEDULE AND HEARING EL08-030
---	------------------	---

On October 31, 2008, Otter Tail Corporation d/b/a Otter Tail Power Company (OTP), filed with the Public Utilities Commission (Commission) an application to increase rates for electric service to customers in its service territory by \$3,883,399 annually or approximately 15.3% based on OTP's 2007 test year. The company states the proposed increase for a residential customer would be \$10.68 per month or 15.0%. The proposed rates may potentially affect approximately 11,700 customers in OTP's service territory.

At its regularly scheduled meeting of November 25, 2008, the Commission found that pursuant to SDCL 49-1A-8, OTP shall be assessed a filing fee as requested by the deputy executive director up to the statutory limit of \$100,000. The Commission further established an intervention deadline of December 19, 2008. Pursuant to SDCL 49-34A-14, the Commission suspended the operation of the schedule of rates proposed by OTP for 90 days beyond November 30, 2008. At its regularly scheduled meeting of February 10, 2009, the Commission further suspended the operation of the schedule of rates proposed by OTP for 60 days beyond February 28, 2009.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-34A, specifically 49-34A-4, 49-34A-6, 49-34A-8, 49-34A-10, 49-34A-11, 49-34A-12, 49-34A-13, 49-34A-13.1, 49-34A-17, 49-34A-19, 49-34A-21.

The procedural schedule shall be as follows:

DATE	PROCEDURAL SCHEDULE
March 20, 2009	Staff and Intervenor Testimony Due
April 7, 2009	OTP Testimony Due
April 14-15, 2009	Hearing

A hearing shall be held commencing at 9:30 a.m., with marking of exhibits to begin at 9:00 a.m., on Tuesday, April 14, 2009, in Room 413, State Capitol, 500 East Capitol, Pierre, South Dakota, and if necessary, shall continue commencing at 9:00 a.m., on Wednesday, April 15, 2009. The hearing is open to the public. All persons testifying shall be subject to cross-examination.

The issue at the hearing is whether the Commission shall grant OTP's request to implement revised electric rate schedules designed to produce additional revenues of \$3,883,399.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of this hearing, the Commission shall determine whether it shall grant OTP's request to implement revised rate schedules. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that the procedural schedule set forth above shall be followed by all parties to these proceedings. It is further

ORDERED, that the hearing shall commence at 9:30 a.m., with marking of exhibits to begin at 9:00 a.m., on Tuesday, April 14, 2009, in Room 413, State Capitol, 500 East Capitol, Pierre, South Dakota, and if necessary, shall continue commencing at 9:00 a.m., on Wednesday, April 15, 2009.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 4th day of March, 2009.

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.
By: <u><i>Arlaine Koeb</i></u>
Date: <u>3/5/09</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gaby Hanson
GABY HANSON, Commissioner