

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

**IN THE MATTER OF THE COMPLAINT BY )  
OAK TREE ENERGY LLC AGAINST )  
NORTHWESTERN ENERGY FOR REFUSING )  
TO ENTER INTO A PURCHASE POWER )  
AGREEMENT )**

**ORDER CANCELLING  
PROCEDURAL SCHEDULE  
AND HEARING**

**EL11-006**

On April 28, 2011, Oak Tree Energy, LLC (Oak Tree) filed a Complaint (Complaint) against NorthWestern Corporation d/b/a NorthWestern Energy (NWE). The dispute involves a proposed wind generation project located in Clark County, South Dakota (Project). Oak Tree alleges that the project is a "Qualified Facility" (QF) under PURPA and that NWE refuses to enter into a purchase power agreement. The Commission has jurisdiction in this matter pursuant to 16 U.S.C. Chapter 12, § 824a-3, 18 C.F.R. Part 292 and SDCL Chapters 1-26, 49-13, and 49-34A, including 49-34A-93. Following extensive discovery, motions, and pre-filed testimony, a formal evidentiary hearing was held as scheduled on March 21-22, 2012. On May 2, 2012, after consideration of the parties' post-hearing briefs, oral argument, and responses to a proposal for agreed resolution of the matter by Chairman Nelson, the Commission voted unanimously to make certain intermediate rulings in the case, and on May 15, 2012, issued an Interim Order on such rulings directing the parties to file additional pre-filed testimony and rebuttal testimony in conformity with the Interim Order on or before June 6 and June 13, 2012, respectively, and setting the matter for additional hearing on June, 19, 2012.

On May 29, 2012, Oak Tree filed Oak Tree Energy, LLC's Motion for Partial Reconsideration of Interim Order. On May 30, 2012, Commission Counsel held a scheduling conference with counsel for all parties participating. At the conference, NWE advised that it too intended to file a motion to reconsider certain rulings of the Interim Order. After discussion, the parties agreed that the current dates for additional testimony submission and hearing are not appropriate in light of the need for the parties and Commission to address the motions to reconsider prior to additional testimony submission and hearing. It is therefore

ORDERED, that the June 6 and June 13, 2012, deadlines for submission of additional pre-filed testimony and the hearing scheduled for June 19, 2012, are cancelled.

Dated at Pierre, South Dakota, this 31 day of May, 2012.

**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: Joy Berry

Date: 5-31-12

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner