

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

<b>IN THE MATTER OF THE COMPLAINT BY OAK )</b>	<b>SECOND AMENDED</b>
<b>TREE ENERGY LLC AGAINST NORTHWESTERN )</b>	<b>SCHEDULING ORDER</b>
<b>ENERGY FOR REFUSING TO ENTER INTO A )</b>	
<b>PURCHASE POWER AGREEMENT )</b>	<b>EL11-006</b>

On April 28, 2011, Oak Tree Energy, LLC (Oak Tree) filed a complaint against NorthWestern Corporation d/b/a NorthWestern Energy (NWE). The dispute involves a proposed wind generation project located in Clark County, South Dakota. Oak Tree alleges that the project is a "Qualified Facility" under PURPA and that NWE refuses to enter into a purchase power agreement. On June 17, 2011, the Commission issued a Scheduling Order. On September 7, 2011, Oak Tree filed a Motion to Compel. On October 20, 2011, the Commission issued an Amended Scheduling Order. On November 14, 2011, the Commission issued an Order Granting in Part Motion to Compel. On December 13, 2011, Oak Tree filed its written direct testimony. On January 13, 2012, NWE filed its written direct testimony. On January 27, 2012, Staff filed its written testimony. On February 7, 2012, the parties stipulated to an amended filing schedule. On February 8, 2012, Oak Tree filed its Second Motion to Compel (Motion) and on February 9, 2012, Oak Tree filed a Motion to Expedite Hearing. At its ad hoc meeting on February 13, 2012, the Commission granted Oak Tree's Motion to Expedite, setting the Motion on for consideration at its regular meeting on February 14, 2012. On February 14, 2012, NWE filed NorthWestern Energy's Resistance to Oak Tree Energy, LLC's Second Motion to Compel. On February 16, 2012, the Commission issued an Order Granting in Part Second Motion to Compel and Protective Order.

In accordance with the Commission's directive at its February 16, 2012, meeting, on February 16, 2011, Commission Counsel held a pre-hearing scheduling teleconference with counsel for all parties participating. The parties agreed to the following amended procedural schedule for remaining actions and proceedings:

- |             |   |
|-------------|---|
| Feb. 22     | NWE's responses to discovery in response to the Order Granting in Part Second Motion to Compel served         |
| Feb. 24     | Oak Tree rebuttal testimony filed and served and NWE testimony responsive to Staff testimony filed and served |
| March 2     | Pre-hearing motions filed and served  |
| March 8     | Responses to pre-hearing motions filed and served   |
| March 13    | Pre-hearing motions, if any, heard by Commission  |
| March 21-22 | Hearing   |

It is therefore

ORDERED, that the amended procedural schedule set forth above is established and shall be followed by the parties, and all above-described documents shall be filed and served on or before the above dates unless an order modifying this schedule is approved by the Commission.

Dated at Pierre, South Dakota, this 16 day of February, 2012.

<b>CERTIFICATE OF SERVICE</b>	
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>Joy Feigen</u>
Date:	<u>2-16-12</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Feigen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner