

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

**IN THE MATTER OF THE COMPLAINT BY)
CONSOLIDATED EDISON DEVELOPMENT, INC.)
AGAINST NORTHWESTERN CORPORATION)
DBA NORTHWESTERN ENERGY FOR)
ESTABLISHING A PURCHASE POWER)
AGREEMENT)**

**ORDER FOR AND NOTICE
OF MOTION HEARING**

EL16-021

On June 23, 2016, Juhl Energy, Inc. (Juhl) filed a Complaint with the South Dakota Public Utilities Commission (Commission) seeking resolution of a dispute with NorthWestern Corporation dba NorthWestern Energy (NorthWestern) regarding the proper avoided cost for a long-term electric power purchase agreement.

On June 30, 2016, the Commission electronically transmitted notice of the Complaint and the intervention deadline of July 25, 2016, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On July 19, 2016, NorthWestern filed its Answer to the Complaint. No petitions to intervene were filed. On August 4, 2016, the parties filed a Joint Request for a Procedural Schedule. At its regularly scheduled meeting on August 16, 2016, the Commission established a Procedural Schedule.

On October 17, 2016, the Commission received pre-filed testimony of Bleau J. LaFave that was filed by NorthWestern. On January 10, 2017, the Commission received the pre-filed testimony of Kavita Maini and Jon Thurber filed by PUC Staff. On February 10, 2017, the Commission received Rebuttal Testimony of Autumn Mueller and Luke P. Hansen that was filed by NorthWestern.

On February 15, 2017, the Commission entered an Order Granting Motion to Amend Complaint that was filed by Consolidated Edison Development, Inc. (Consolidated Edison), making Consolidated Edison the complainant based on its acquisition of Juhl Energy Inc.'s interest in the three wind energy projects that are the subject of this docket.

On February 21, 2017, the Commission received a Motion *In Limine* to Exclude Rebuttal Testimony of Autumn Mueller and Luke P. Hansen (Motion) that was filed by Consolidated Edison. In its Motion, Consolidated Edison requests that the Commission enter an order excluding from the record the Rebuttal Testimony of Autumn Mueller and the Rebuttal Testimony of Luke P. Hansen. On February 27, 2017, the Commission received a Motion *In Limine* to prohibit the PUC Staff from offering portions of the pre-filed testimony of Kavita Maini and Jon Thurber and to prohibit NorthWestern from offering portions of the pre-filed testimony of Bleau J. LaFave.

It is therefore

ORDERED, that a hearing on the Motion will be held by the Commission at its regularly scheduled meeting on March 14, 2017, beginning at 9:30 A.M. CDT in Rm. 413, Capitol Building, Pierre, SD.

Dated at Pierre, South Dakota, this 28th day of February, 2017.

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>Karen E. Cremer</u>
Date: <u>2/28/17</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner