

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

**IN THE MATTER OF THE COMPLAINT BY ) ORDER FOR AND NOTICE OF  
CONSOLIDATED EDISON DEVELOPMENT, INC. ) MOTION HEARING ON LESS  
AGAINST NORTHWESTERN CORPORATION ) THAN 10 DAYS' NOTICE  
DBA NORTHWESTERN ENERGY FOR )  
ESTABLISHING A PURCHASE POWER ) EL16-021  
AGREEMENT )**

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 February 15, 2017, the Commission entered an Order Granting Motion to Amend Complaint that was filed by Consolidated Edison Development, Inc. (ConEd Development) making ConEd Development 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 April 11, 2017 through April 12, 2017, an evidentiary hearing was held. On May 3, 2017, NorthWestern filed a response to Commissioner Nelson's inquiry. On May 17, 2017, ConEd Development filed a Motion to Exclude NorthWestern's May 3 Response to Commissioner Nelson.

Pursuant to ARSD 20:10:01:22.02, the Commission may order a hearing on less than ten days' notice if the Commission determines good cause exists therefor. The Commission finds that good cause exists to hear the Motion on less than ten days' notice. It is therefore

**ORDERED**, that a hearing on the Motion to Exclude NorthWestern's May 3 Response to Commissioner Nelson will be held by the Commission at its regularly scheduled meeting on May 23, 2017, beginning at 9:30 A.M. CDT in Rm. 413, Capitol Building, Pierre, SD.

Dated at Pierre, South Dakota, this 18th day of May, 2017.

<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, electronically or by mail.
By: <u>Adam DeHueck</u>
Date: <u>5/18/17</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen  
KRISTIE FIEGEN, Chairperson

Gary Hanson  
GARY HANSON, Commissioner

Chris Nelson  
CHRIS NELSON, Commissioner