

Boyce, Greenfield, Pashby & Welk, LLP

tjwelk@bgpw.com

Direct Dial: 605-731-0208

Attorneys at Law

101 N. Phillips Ave., Suite 600

Sioux Falls, SD 57104

P.O. Box 5015

Sioux Falls, SD 57117-5015

P: 605-336-2424

F: 605-334-0618

www.bgpw.com

Russell R. Greenfield

Gary J. Pashby

Thomas J. Welk

Michael S. McKnight

Gregg S. Greenfield

Roger A. Sudbeck

Lisa K. Marso

*Heather R. Springer**

Heith R. Janke

Darin W. Larson

Michael F. Tobin

Christopher W. Madsen

*Sherri L. Rotert***

**Also licensed in Kansas*

***Also licensed in Colorado*

J.W. Boyce (1884-1915)

October 26, 2005

Pam Bonrud, Executive Director
Public Utilities Commission
500 E Capitol
Pierre SD 57501

RECEIVED
OCT 26 2005
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Re: In the Matter of the Application by Otter Tail Power Company on Behalf of Big Stone II Co-Owners for an Energy Conversion Facility Permit for the Construction of Big Stone II Project (EL05-022)
Our File No. 11402.000

Dear Ms. Bonrud:

Please find enclosed for filing the original and ten copies of the Motion for Prehearing Conference and Certificate of Service. Please add this to the agenda for the November 1, 2005 meeting. By copy of this letter I am serving the same on opposing counsel.

Sincerely yours,

BOYCE, GREENFIELD, PASHBY & WELK, L.L.P.

Thomas J. Welk
TJW/vjj
Enclosure

cc: John Davidson
Elizabeth Goodpaster
Deanna White
Steven Clemmer
Mary Jo Stueve
Casey Davidson
Mark Rolfes
Terry Graumann

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

OCT 28 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

In the Matter of Otter Tail Power Company
on Behalf of Big Stone II Co-Owners for an
Energy Conversion Facility Permit for the
Construction of the Big Stone II Project

Docket No. EL 05-022

MOTION FOR PREHEARING
CONFERENCE

The Big Stone II Project, by and through its undersigned attorneys of record, respectfully requests the Commission hold a prehearing conference pursuant to SDCL 49-41B-14 to discuss and resolve the following issues with the parties:

1. Date and location of final hearing on Big Stone II Application;
2. Appropriate representation of parties and pro-hac vice admission of attorneys;
3. Specific issues that will be contested at hearing;
4. Production of discovery materials via electronic means; e.g. posting of documents in a virtual reading room;
5. Deadline for conducting discovery;
6. Deadlines for submitting written testimony and exhibits as may be directed by the Commission pursuant to ARSD 20:10:01:22.06 including:
 - a. Direct testimony in support of application;
 - b. Direct testimony of intervenors; and
 - c. Rebuttal testimony.
7. Deadlines for submissions of proposed findings of fact, conclusions of law and order; and
8. Submission of post-hearing briefs or memoranda as may be requested by the Commission.

Dated this 26th day of October, 2005



Thomas J. Welk
Christopher W. Madsen
Boyce, Greenfield, Pashby & Welk, L.L.P.
101 N. Phillips Avenue - #600
Sioux Falls, SD 57104
(605) 336-2424
Attorneys for Big Stone II Project

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

In the Matter of Otter Tail Power Company
on Behalf of Big Stone II Co-Owners for an
Energy Conversion Facility Permit for the
Construction of the Big Stone II Project

Docket No. EL 05-022

CERTIFICATE OF SERVICE

I, Thomas J. Welk, do hereby certify that I am a member of the law firm of Boyce, Murphy, McDowell & Greenfield, L.L.P., attorneys for the Co-owners of Big Stone II Project and that on the 26th day of October, 2005, true and correct copies of the Motion for Prehearing Conference were served by United States, first-class mail, postage pre-paid thereon to the following:

John H. Davidson
213 USD Law Bldg.
414 E. Clark Street
Vermillion, SD 57069

Elizabeth I. Goodpaster
MN Center for Environmental Advocacy
26 E. Exchange Street #206
St. Paul, MN 55101

Attorneys for Izaak Walton League of America and Minnesotans for Energy Efficient Economy

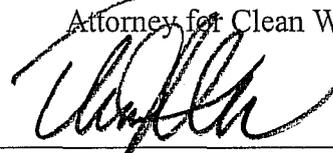
Deanna White
SD Chapter Sierra Club
231 S. Phillips Ave. #365
Sioux Falls, SD 57104

Steven Clemmer
Union of Concerned Scientists
2 Brattle Square 6th floor
Cambridge, MA 02238

Mary Jo. Stueve
196 East 6th Street #401
Sioux Falls, SD 57104

Casey Davidson
524 West Main Street
Vermillion, SD 57069
Attorney for Clean Water Action Alliance

Dated this 26th day of October, 2005



Thomas J. Welk
Christopher W. Madsen
Boyce, Greenfield, Pashby & Welk, L.L.P.
101 N. Phillips Avenue - #600
Sioux Falls, SD 57104
(605) 336-2424
Attorneys for Big Stone II Project