

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

**IN THE MATTER OF THE PETITION FOR) ORDER FOR AND NOTICE OF
ELECTRICAL SERVICE BY DAKOTA PLAINS AG) MOTIONS HEARING ON LESS
CENTER, LLC TO HAVE NORTHWESTERN) THAN 10 DAYS' NOTICE
ENERGY ASSIGNED AS ITS ELECTRIC PROVIDER)
IN THE SERVICE AREA OF BON HOMME) EL16-013
YANKTON ELECTRIC ASSOCIATION, INC.)**

On April 1, 2016, the South Dakota Public Utilities Commission (Commission) received a petition from Dakota Plains Ag Center, LLC (Dakota Plains) for a service territory exception pursuant to SDCL 49-34A-56. Dakota Plains states it is constructing and will operate a grain terminal at a site near Yankton, South Dakota. The new grain terminal will be at a site located in the following tract of land in Yankton County, South Dakota:

Lot One (1), Dakota Rail Park Subdivision, located in Section Twenty-one (21), Township Ninety-four (94) North, Range Fifty-six (56) West of the 5th P.M., Yankton County, South Dakota as per plat recorded in book S20, Page 132.

Dakota Plains further states it would be a new customer, seeking electrical service to a new location, which has developed since March 21, 1975. Such location overlaps the territorial boundaries of both NorthWestern Corporation d/b/a NorthWestern Energy (NorthWestern) and Bon Homme Yankton Electric Association, Inc. (B-Y Electric). Dakota Plains requests authorization to take electric service from NorthWestern. Intervention has been granted to NorthWestern, B-Y Electric, and the South Dakota Rural Electric Association (SDREA). On May 20, 2016, an Order Establishing Procedural Schedule was issued which set June 7, 2016, as the date to hear all pre-hearing motions.

The parties have agreed to file all pre-hearing motions by Friday, May 27, 2016, to file replies to those motions by June 3, 2016, and to waive responses to those replies.

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 because the parties agreed that pre-hearing motions would be filed less than ten days prior to the date set by the Commission for Pre-Hearing Motions, good cause exists to hear the pre-hearing motions on less than ten days' notice. It is therefore

ORDERED, that a hearing on the Pre-Hearing Motions will be held by the Commission at its regularly scheduled meeting on June 7, 2016, beginning at 9:30 A.M. CDT in Rm. 413, Capitol Building, Pierre, SD.

Dated at Pierre, South Dakota, this 27 day of May, 2016.

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| 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>Kelayne West</u> |
| Date: <u>5-27-16</u> |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner