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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

May 20, 2015

William Taylor
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Extension 647

VIA EMAIL AND U.S. MAIL

john.j.smith@state.sd.us

John Smith
Commission General Counsel
Public Utilities Commission
Capitol Building, 1st floor
500 E. Capitol Ave.
Pierre, SD 57501-5070

Re: Valley Queen v Otter Tail Power Company
Consumer Complaint

John:

I filed a Consumer Complaint on behalf of Valley Queen Cheese against Otter Tail Power Company. A copy of the complaint is attached.

Valley Queen filed a lawsuit in federal court last week that mirrors the Consumer Complaint. Tom Welk has noticed his appearance for Otter Tail in the federal case.

I filed the Consumer Complaint to protect against a finding that the PUC has primary jurisdiction. In my view, Valley Queen can elect to proceed in either forum, federal court or before the PUC. If Mr. Welk agrees, Valley Queen will proceed in federal court and will dismiss the Consumer Complaint. If Tom doesn't agree, Valley Queen will ask the PUC to table the Consumer Complaint pending a definitive ruling on primary jurisdiction from the federal court.

Either way, please inform the Commission that there isn't any need to schedule any proceedings on the Consumer Complaint pending discussions of the issues with Mr. Welk.

Yours sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.


William Taylor

Attachment

Cc: Thomas J. Welk (tjwelk@boycelaw.com)

ATTORNEYS • EST. 1887

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