

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

**IN THE MATTER OF THE
APPLICATION BY OTTER TAIL
POWER COMPANY AND WESTERN
MINNESOTA MUNICIPAL POWER
AGENCY FOR A FACILITY PERMIT
FOR A 345-KV TRANSMISSION
FACILITY AND ASSOCIATED
FACILITIES IN GRANT COUNTY,
SOUTH DAKOTA**

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**MOTION FOR PROCEDURAL
SCHEDULE**

EL24-015

COMES NOW, Staff (“Staff”) of the South Dakota Public Utilities Commission (“Commission”) and hereby files this Motion for Procedural Schedule.

This docket was opened on April 16, 2024, with the filing by Otter Tail Power Company and Western Minnesota Municipal Power Agency (Applicant), for a permit for a 345-kV Transmission Facility and associated facilities in Grant County, South Dakota. The parties to this proceeding are currently Staff and Applicant as well as intervenors Daniel and Tamra Jurgens.

Under SDCL 49-41B-22, the Commission must issue a decision on this matter within twelve months of the filing. As such, a final Commission order is required by the middle of April 2025. To accommodate this time constraint, Staff reviewed available hearing dates and prepared the proposed procedural schedule that would allow for the parties to engage in meaningful discovery and prepare for an evidentiary hearing. Staff did reserve time following the proposed evidentiary hearing to allow for post-hearing briefs however staff does not propose particular dates at this time.

Staff did reach out to the parties with that schedule and has not received objection to date, therefore Staff requests the Commission adopt the following procedural schedule in this docket:

Applicant's Supplemental Testimony Filed	10/25 (by noon)
Staff/Intervenor Testimony Filed	12/12(by noon)
Rebuttal Testimony Filed	1/9 (by noon)
Final Discovery Sent	1/17 (Sent by 5pm Central)
Responses to Final Discovery Due	1/30
Witness/Exhibit Lists and Exhibits Filed	2/6 (by noon)
Prehearing Conference	2/11 (TBD)
Evidentiary Hearing	2/12-2/14

Given the time constraints in this docket, Staff proposes the Commission order that all responses to discovery requests are due 10 business days after service, unless otherwise agreed to, in writing, by the inquiring and responding parties. Allowing additional time to respond to discovery requests will significantly interfere with the number of rounds of discovery the parties may issue prior to submitting testimony.

Staff also proposes the Commission require that all witnesses must submit prefiled testimony in accordance with the deadlines specified in the proposed procedural schedule in order to be eligible to testify during the evidentiary hearing. Additionally, Staff proposes all exhibits, including testimony, be marked and prefiled prior according to the proposed schedule to promote efficiency at the hearing.

WHEREFORE, Staff respectfully requests the Commission issue an Order 1) adopting Staff's proposed procedural schedule as detailed in this Motion, 2) establishing a ten-business day deadline for responses to discovery requests, 3) requiring all witnesses to submit prefiled written testimony, and 4) requiring all exhibits be marked and filed prior to the evidentiary hearing.

Dated this 16th day of September 2024.



Amanda M. Reiss
Staff Attorney
South Dakota Public Utilities Commission

500 East Capitol Avenue
Pierre, SD 57501
Phone (605)773-3201
Amanda.reiss@state.sd.us