

Service Date: November 23, 2012

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER of the Petition of Montana-) REGULATORY DIVISION
Dakota Utilities Co. for Certification of Eligible)
Renewable Resources and Community Renewable) DOCKET NO. D2012.3.24
Energy Resources)

NOTICE OF COMMISSION ACTION

1. On March 13, 2012, Montana-Dakota Utilities Co. (MDU) filed a Petition for Certification of Eligible Renewable Resources and Community Renewable Energy Resources (CREPs) with the Montana Public Service Commission (Commission).

2. On March 30, 2012, the Commission issued a Notice of Petition and Opportunity to Comment. On July 3, 2012, it certified the Cedar Hills wind farm as an eligible renewable resource and a CREP. Commn. Ord. 7221 p. 6. However, it denied certification of Diamond Willow 2 as a distinct resource, and denied certification of the Diamond Willow wind farm as a CREP. On July 19, 2012, MDU filed Consolidated Motions for Reconsideration and Rehearing, and on July 26, 2012, the Commission voted to grant MDU's Motion for Reconsideration and partially stayed Order 7221 pending a contested case proceeding concerning Diamond Willow.

3. On May 4, 2012, the Commission issued Data Requests PSC-001 through PSC-004 to MDU, to which MDU responded on May 21, 2012. On September 10, 2012, the Commission issued Procedural Order 7221a, which set a discovery schedule, a deadline for pre-hearing memoranda, and a tentative hearing date of November 9, 2012. On October 2, 2012, MDU filed the direct testimony of Theresa Addison and Darcy Neigum. On October 15, 2012, the Commission issued Data Requests PSC-005 through PSC-024, to which MDU responded on October 26, 2012. The Commission issued a Notice of Public Hearing on October 19, 2012.

4. On November 7, 2012, MDU submitted a Motion *In Limine* (Motion) requesting: (1) that the record in this case consist of the pre-filed testimony and responses to data requests; (2) that the hearing scheduled for November 9, 2012, be permanently vacated; and (3) leave to file a final brief in support of its Petition no later than November 30, 2012. In its Motion, MDU

indicated that the Montana Consumer Counsel had no objection to its Motion.

5. At a regularly scheduled work session on November 20, 2012, the Commission granted MDU's Motion. As a result: (1) The evidentiary record in this case consists of the pre-filed testimony of Darcy Neigum and Theresa Addison and all of the data responses filed by MDU in this Docket (i.e., MDU's responses to PSC-001 through PSC-024); (2) the hearing scheduled on November 9, 2012, is permanently vacated; and (3) MDU may submit a final brief no later than November 30, 2012.

DONE AND DATED this 20th day of November 2012 by a vote of 5 to 0.

BY THE MONTANA PUBLIC SERVICE COMMISSION

TRAVIS KAVULLA, Chairman
GAIL GUTSCHE, Vice Chair
W. A. (BILL) GALLAGHER, Commissioner
BRAD MOLNAR, Commissioner
JOHN VINCENT, Commissioner