



Public Service Commission  
State of North Dakota

COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

Mr. Allen C. Hoberg  
Office of Administrative Hearings  
1707 North 9<sup>th</sup> Street, Lower Level  
Bismarck, ND 58501

Re: Otter Tail Corporation  
Renewable Resource Cost Recovery Rider 2009  
Tariff  
Case No. PU-08-742

18 March 2009

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: [www.nd.gov/psc](http://www.nd.gov/psc)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
TDD 800-366-6888 or 711  
Fax 701-328-2410  
Phone 701-328-2400

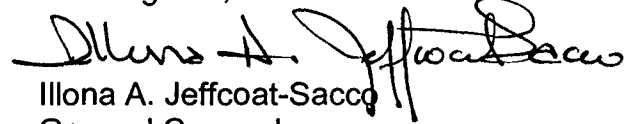
Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. A consolidated hearing for case No. PU-08-742 and case No. PU-08-862 will begin May 11, 2009 at 8:30 a.m. CDT in the Commission hearing room, State Capitol, 12<sup>th</sup> Floor, Bismarck, North Dakota 58505.

A copy of the Notice of Hearing, Notice of Continued Hearing and Notice of Public Input Session is enclosed. The Administrative Law Judge will serve as a procedural law judge and the hearing will be tape recorded. Any party may request to have a court reporter present. The party requesting the court reporter is responsible for making the arrangements for the court reporter and paying the costs of the court reporter.

If you have any questions, please contact me. Thank you.

Best regards,

  
Illona A. Jeffcoat-Sacco  
General Counsel

Enclosures  
c: w/encl.

Jacob C. Hendricks - [jhendricks@felhaber.com](mailto:jhendricks@felhaber.com)  
Richard J. Savelkoul - [rsavelkoul@felhaber.com](mailto:rsavelkoul@felhaber.com)  
Bruce Gerhardson - [bgerhardson@ottertail.com](mailto:bgerhardson@ottertail.com)  
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Michael J. Bradley - [BradleyM@moss-barnett.com](mailto:BradleyM@moss-barnett.com)

49 PU-08-742 Filed: 3/18/2009 Pages: 7  
Letter and Form Requesting ALJ



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission  
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Consolidated Hearing for case No. PU-08-742, Otter Tail Corporation Renewable Resource Cost Recovery Rider 2009 - Tariff and case No. PU-08-862 Otter Tail Corp. Electric Rate Increase - Application

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in Chapters 49-02 & 49-05 \_\_\_\_\_ (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact:  
 (Attach separate list if necessary.)

AGENCY See Attached List	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments  
 The consolidated hearing will begin May 11, 2009 at 8:30 a.m. CDT in the Commission hearing room, State Capitol, 12th Floor  
 Bismarck, North Dakota 58505

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Iliona A. Jeffcoat-Sacco, General Counsel	Date 18 March 2009
Signature of Requesting Person x <i>Iliona A. Jeffcoat-Sacco</i>	Telephone Number

<b>Agency</b> North Dakota Public Service Commission	<b>Address</b> 600 E. Boulevard Ave. Dept. 408 Bismarck, ND 58505	<b>Telephone Number</b> 701-258-2400
<b>Representation</b> Illona A. Jeffcoat-Sacco, General Counsel	<b>Address</b> Same as above	<b>Telephone Number</b> 701-328-2407
Annette Bendish, PSC Advocacy Staff Counsel	Same as above	701-328-2421
<b>PARTY</b> Otter Tail Corporation	<b>Address</b> 215 S Cascade St PO Box 496 Fergus Falls MN 56538-0496	<b>Telephone Number</b>
<b>Representation</b> Mr. Bruce Gerhardson Associate General Counsel Otter Tail Corporation  And  Michael J. Bradley & Richard J. Johnson Moss & Barnett	<b>Address</b> Same as above    4800 Wells Fargo Ctr 90 S 7th St Minneapolis MN 55402	<b>Telephone Number</b> 218-998-7108    (612) 877-5275
<b>PARTY</b> the "North Dakota Large Industrial Energy Group" or "Large Industrial Group"  Goodrich Corporation, Cargill Corporation, Cavendish Farms, Inc., Archer Daniels Midland Company, ComDel Innovation and Tharaldson Ethanol LLC	<b>Address</b>	<b>Telephone Number</b>
<b>Representation</b> Mr. Richard J. Savelkoul, Attorney Falhaber Larson Fenton & Vogt PA  And  Jacob C. Hendricks, Esq Falhaber Larson Fenton & Vogt PA	<b>Address</b> 444 Cedar Street, Ste 2100 St Paul MN 55101-2136  220 S 6th Street, Ste 2200 Minneapolis MN 55402	<b>Telephone Number</b>    651-312-6042    612-373-8575

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Otter Tail Corporation  
Renewable Resource Cost Recovery Rider 2009  
Tariff**

**Case No. PU-08-742**

**Otter Tail Corporation  
Electric Rate Increase  
Application**

**Case No. PU-08-862**

**NOTICE OF HEARING, NOTICE OF CONTINUED HEARING  
AND NOTICE OF PUBLIC INPUT SESSION**

**March 11, 2009**

**Case No. PU-08-742**

On September 2, 2008, Otter Tail Corporation (Otter Tail) filed an application for approval of the 2009 Renewable Resource Cost Recovery Rider (Rider) and an advance determination of prudence for its 48 MW ownership share in the Ashtabula Wind Energy Center, Case No PU-08-742. The effect of the Rider on a typical residential customer consuming 750 kilowatt-hours is \$3.82 per month.

The Commission issued a Notice of Opportunity for Hearing in Case No. PU-08-742. Written comments and a request for hearing were received from the North Dakota Large Industrial Energy Group, comprised of Goodrich Corporation, Cargill Corporation, Cavendish Farms, Inc., Archer Daniels Midland Company, ComDel Innovation, and Tharaldson Ethanol LLC. They indicated their intention to litigate the issues and asked that the Commission combine this case for hearing with the pending rate increase application filed by Otter Tail in Case No. PU-08-862, or hear the two matters on a schedule that allows the North Dakota Large Industrial Energy Group to more easily participate in both.

On January 14, 2009, intervention was granted to the North Dakota Large Industrial Energy Group. The Commission also ordered the hearing on Case No. PU-08-742 combined with the hearing on the pending rate increase application, Case No. PU-08-862, and approved the Rider on an interim basis, subject to review and revision as a result of the combined hearing.

**61**    **PU-08-862**    Filed: 3/11/2009    Pages: 4  
**Notice of Hearing, Notice of Continued Hearing and  
Notice of Public Input Session**

Public Service Commission

**46**    **PU-08-742**    Filed: 3/11/2009    Pages: 4  
**Notice of Hearing, Notice of Continued Hearing and  
Notice of Public Input Session**

Public Service Commission

## **Case No. PU-08-862**

On November 3, 2008, Otter Tail filed a Notice for Change in Rates for Electric Service under North Dakota Century Code Section 49-05-05 and North Dakota Administrative Code Section 69-09-02-01. Otter Tail proposes a \$6 million or 5 percent increase in its annual North Dakota electric revenues. The proposed rates would affect Otter Tail's service to all of its approximately 57,000 retail electric customers in the State of North Dakota.

On December 17, 2008 the Commission issued a Notice of Hearing, Public Input Sessions and Intervention Deadline in Case No. PU-08-862, scheduling the formal hearing to begin April 27, 2009. On March 11, 2009 the Commission continued the hearing to May 11, 2009.

### **Issues in Case No. PU-08-742 and Case No. PU-08-862:**

Issues to be considered in these matters include:

1. What is the value of Otter Tail's property, used and useful, for the service and convenience of the public in North Dakota?
2. What is Otter Tail's rate of return on its property, used and useful, for the service and convenience of the public in North Dakota?
3. What is a just and reasonable rate of return on Otter Tail's property, used and useful, for the service and convenience of the public in North Dakota?
4. What rates and charges are necessary to provide a just and reasonable rate of return on Otter Tail's property, used and useful, for the service and convenience of the public in North Dakota?
5. Are Otter Tail's proposed rate schedules designed in such a manner that they result in a basis of charge to its customers that is just and reasonable without discrimination?
6. Is Otter Tail's investment in the Ashtabula Wind Energy Center prudent?
7. Should the commission approve the 2009 Renewable Resource Cost Recovery Rider as filed?
8. Should Otter Tail be permitted to recover any generation costs through a Rider?
9. Other relevant information or proposals concerning the proceedings.

## Formal Hearing

A consolidated hearing for Case No. PU-08-742 and Case No. PU-08-862 will begin May 11, 2009 at 8:30 a.m. CDT in the Commission hearing room, State Capitol, 12th Floor, Bismarck, North Dakota 58505.

## Public Input Session

A Public Input Session on both cases will be held via interactive television on March 23, 2009 at 12:00 noon CDT at locations set forth below. Members of the public are invited to appear and participate in the informal discussion. The session is not considered part of the technical hearing and the discussion at the session will not become part of the evidence reviewed by the Commission in making its decision. The discussion will, however, aid the Commission and its staff in identifying areas of concern to the members of the public and help customers better understand the applications.

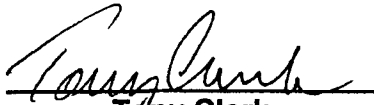
### Public Input Session Locations

<b>Devils Lake</b> Lake Area Career and Technological Center 205-16 <sup>th</sup> St. NW Devils Lake, ND	<b>Jamestown</b> James Valley Career and Technological Center 910-12 <sup>th</sup> Ave. NE, Room A Jamestown, ND
<b>Washburn</b> Washburn Public School Boardroom 713-7 <sup>th</sup> St. Washburn, ND	<b>Wahpeton</b> Richland County Courthouse Commission Room 418-2 <sup>nd</sup> Ave. N. Wahpeton, ND
<b>Bismarck</b> Public Service Commission 12 <sup>th</sup> Floor, State Capitol 600 E. Boulevard Avenue Bismarck, ND	

The public will also be able to hear the input session by connecting to the Commission's web site <http://www.nd.gov/psc> and then clicking on the link at the bottom of the home page that says Broadcast of Public Input Sessions over IVN. The Commission will receive e-mail questions during the session at [ndpsc@nd.gov](mailto:ndpsc@nd.gov).

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400 or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify, Darrell Nitschke, Executive Secretary, at least 24 hours in advance.

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Tony Clark**  
Commissioner

  
\_\_\_\_\_  
**Kevin Cramer**  
President

  
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**Brian P. Kalk**  
Commissioner