

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

<b>IN THE MATTER OF THE APPLICATION ) BY CROWNED RIDGE WIND, LLC FOR A ) PERMIT OF A WIND ENERGY FACILITY ) IN GRANT AND CODINGTON COUNTIES )</b>	<b>ORDER DENYING LATE-FILED ) APPLICATION FOR PARTY ) STATUS )  EL19-003</b>
---	--

On January 30, 2019, the South Dakota Public Utilities Commission (Commission) received an Application for a Facility Permit for a wind energy facility (Application) from Crowned Ridge Wind, LLC (Crowned Ridge or Applicant) to construct a wind energy conversion facility to be located in Grant County and Codington County, South Dakota (Project). The Project would be situated on approximately 53,186-acres in the townships of Waverly, Rauville, Leola, Germantown, Troy, Stockholm, Twin Brooks, and Mazeppa, South Dakota. The total installed capacity of the Project would not exceed 300 megawatts (MW) of nameplate capacity. The proposed Project includes up to 130 wind turbine generators, access roads to turbines and associated facilities, underground 34.5-kilovolt (kV) electrical collector lines, underground fiber-optic cable, a 34.5-kV to 345-kV collection substation, one permanent meteorological tower, and an operations and maintenance facility. The Project will utilize the Crowned Ridge 34-mile 230-kV generation tie line and a new reactive power compensation substation to transmit the electricity from the Project's collector substation to the Project's point of interconnection located at the Big Stone South 230-kV Substation, which is owned by Otter Tail Power Company. Applicant has executed a power purchase agreement with Northern States Power Company (NSP) to sell NSP the full output of the Project. The Project is expected to be completed in 2020. Applicant estimates the total cost of the Project to be \$400 million.

On January 31, 2019, the Commission electronically transmitted notice of the filing and the intervention deadline of April 1, 2019, to interested persons and entities on the Commission's PUC Weekly Filings electronic listserv. On February 6, 2019, the Commission issued a Notice of Application; Order for and Notice of Public Input Hearing; Notice of Opportunity to Apply for Party Status. On February 22, 2019, the Commission issued an Order Assessing Filing Fee; Order Authorizing Executive Director to Enter into a Consulting Contracts; Order Granting Party Status. On March 20, 2019, a public input hearing was held as scheduled. On March 21, 2019, the Commission issued an Order Granting Party Status. On March 25, 2019, Patrick Lynch filed an Application for Party Status. On March 26, 2019, Commission staff filed a Motion for Procedural Schedule. On March 27, 2019, Crowned Ridge filed its Responses to the Motion for Procedural Schedule. On March 28, 2019, Intervenor filed a Response to Crowned Ridge's Response to the Motion for Procedural Schedule. On April 5, 2019, the Commission issued an Order Granting Party Status; Order Establishing Procedural Schedule. On April 25, 2019, Intervenor filed a Motion to Deny and Dismiss. On April 30, 2019, the Commission issued an Order for and Notice of Motion Hearing on Less Than 10 Days' Notice. On April 30, 2019, Commission staff and Crowned Ridge each filed a Response to Motion to Deny and Dismiss. On May 6, 2019, Intervenor filed a Reply Brief in Support of Motion to Deny and Dismiss. On May 10, 2019, the Commission issued an Order Denying Motion to Deny and Dismiss; Order to Amend Application. On May 10, 2019, the Commission also issued an Order for and Notice of Evidentiary Hearing. On May 17, 2019, Intervenor filed a Second Motion to Deny and Dismiss. On May 23, 2019, Commission staff filed a Request for Exception to Procedural Schedule and Crowned Ridge filed its Response to Intervenor's Second Motion to Deny and Dismiss and, as a part of its response, Crowned Ridge requested a Motion to Strike. On May 28, 2019, Intervenor filed a Reply Brief and Motion to Take Judicial Notice.

The evidentiary hearing was held as scheduled, beginning on June 11, 2019, and concluding on June 12, 2019. On June 12, 2019, the Commission issued an Order Granting Request for Exception to Procedural Schedule; Order Denying Motion to Take Judicial Notice; Order Denying Motion to Strike.

On June 13, 2019, the Commission received an Application for Party Status from Timothy and Linda Lindgren. On June 18, 2019, the Commission issued an Order Setting Post-Hearing Briefing Schedule and Decision Date. On June 18, 2019, Commission staff filed its Response to Late Application for Party Status. On June 19, 2019, Intervenors filed an email regarding the Late Application for Party Status.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B, and ARSD Chapters 20:10:01 and 20:10:22. The Commission may rely upon any or all of these or other laws of this state in making its determination.

At its regularly scheduled meeting on June 25, 2019, the Commission considered this matter. Crowned Ridge did not oppose the granting of the late-filed Application for Party Status provided the record was not opened to permit any new evidence.

ARSD 20:10:01:15:01.02 addresses late-filed interventions. The Commission has the discretion to grant or deny late-filed petitions to intervene. The Commission finds that the intervention would unduly prejudice the rights of other parties to the proceeding or be detrimental to the public interest. The Commission voted to deny the late-filed Application for Party Status. It is therefore

ORDERED, that the late-filed Application for Party Status is hereby denied.

Dated at Pierre, South Dakota, this 26<sup>th</sup> day of June 2019.

<b>CERTIFICATE OF SERVICE</b>
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>Karen E. Cremer</u>
Date: <u>06/26/19</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

GARY HANSON, Chairman  
Dissenting

Chris Nelson  
CHRIS NELSON, Commissioner

Kristie Fiegen  
KRISTIE FIEGEN, Commissioner