

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION	)	DOCKET NUMBER EL08-031
BY BUFFALO RIDGE II LLC, A SUBSIDIARY	)	
OF IBERDROLA RENEWABLES, INC., FOR AN	)	STATEMENT OF ISSUES
ENERGY CONVERSION FACILITY PERMIT	)	AND
FOR THE CONSTRUCTION OF THE BUFFALO	)	OBJECTIONS TO PROPOSED
RIDGE II WIND FARM AND ASSOCIATED	)	FINDINGS OF FACT AND
COLLECTION SUBSTATION AND ELECTRIC	)	CONCLUSIONS OF LAW
INTERCONNECTION SYSTEM	)	

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COME NOW, Sioux Valley Energy Cooperative, Inc. (“Sioux Valley”), H-D Electric Cooperative, Inc. (H-D Electric), and South Dakota Rural Electric (“SDREA”) (collectively Intervenor) and provide the following objections to the Findings of Fact and Conclusions of Law:

Findings of Fact

Intervenor object to Findings of Fact I., J. and K. as evidence has not been submitted in regard to the following issues:

(1) Buffalo Ridge II (and future similar facilities) should be required to purchase station power from the electric service providers in whose territories the facilities are located, consistent with South Dakota’s Territorial Laws.

(2) The proposed Buffalo Ridge II collector lines are for the transmission of wholesale power only and neither Buffalo Ridge II nor its purchasing entity(ies) should be allowed to use collector lines to deliver retail service to any customers in the incumbent electric service provider’s territory, as said retail service should be provided by the assigned electric service provider.

(3) The proposed Buffalo Ridge II collector lines will intersect Sioux Valley Energy and H-D Electric's facilities at numerous locations. All crossings should be completed in a sound and safe manner, from an engineering perspective.

#### Conclusions of Law

Intervenors object to Conclusion of Law 12, 13, 14, 15, and 16 as Petitioner has not provided adequate findings to support these conclusions of law. There have been no findings that the proposed facility will comply with all applicable laws and rules pursuant to SDCL 49-41B-22. Specifically, there have been no findings in reference to the Applicant's compliance with the South Dakota Territorial Laws in accordance with the respective Petitions to Intervene of the Intervenors.

Intervenors reserve the right to provide further objections to the Findings of Fact and Conclusions of Law after the hearing in this matter and pursuant to applicable state law.

#### **STATEMENT OF ISSUES**

Intervenors submit the following Statement of Issues to be resolved at the Hearing scheduled in this matter on April 15, 2009.

(1) Buffalo Ridge II (and future similar facilities) should be required to purchase station power from the electric service providers in whose territories the facilities are located, consistent with South Dakota's Territorial Laws.

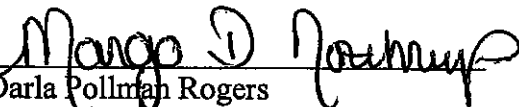
(2) The proposed Buffalo Ridge II collector lines are for the transmission of wholesale power only and neither Buffalo Ridge II nor its purchasing entity(ies) should be allowed to use collector lines to deliver retail service to any customers in the

incumbent electric service provider's territory, as said retail service should be provided by the assigned electric service provider.

(3) The proposed Buffalo Ridge II collector lines will intersect Sioux Valley Energy and H-D Electric's facilities at numerous locations. All crossings shall be completed in a sound and safe manner, from an engineering perspective.

Dated this 9 day of April, 2009

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& NORTHRUP, LLP

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## CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of April, 2009, I caused to be served, electronically, a true and correct copy of the STATEMENT OF ISSUES and OBJECTIONS TO PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW to:

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